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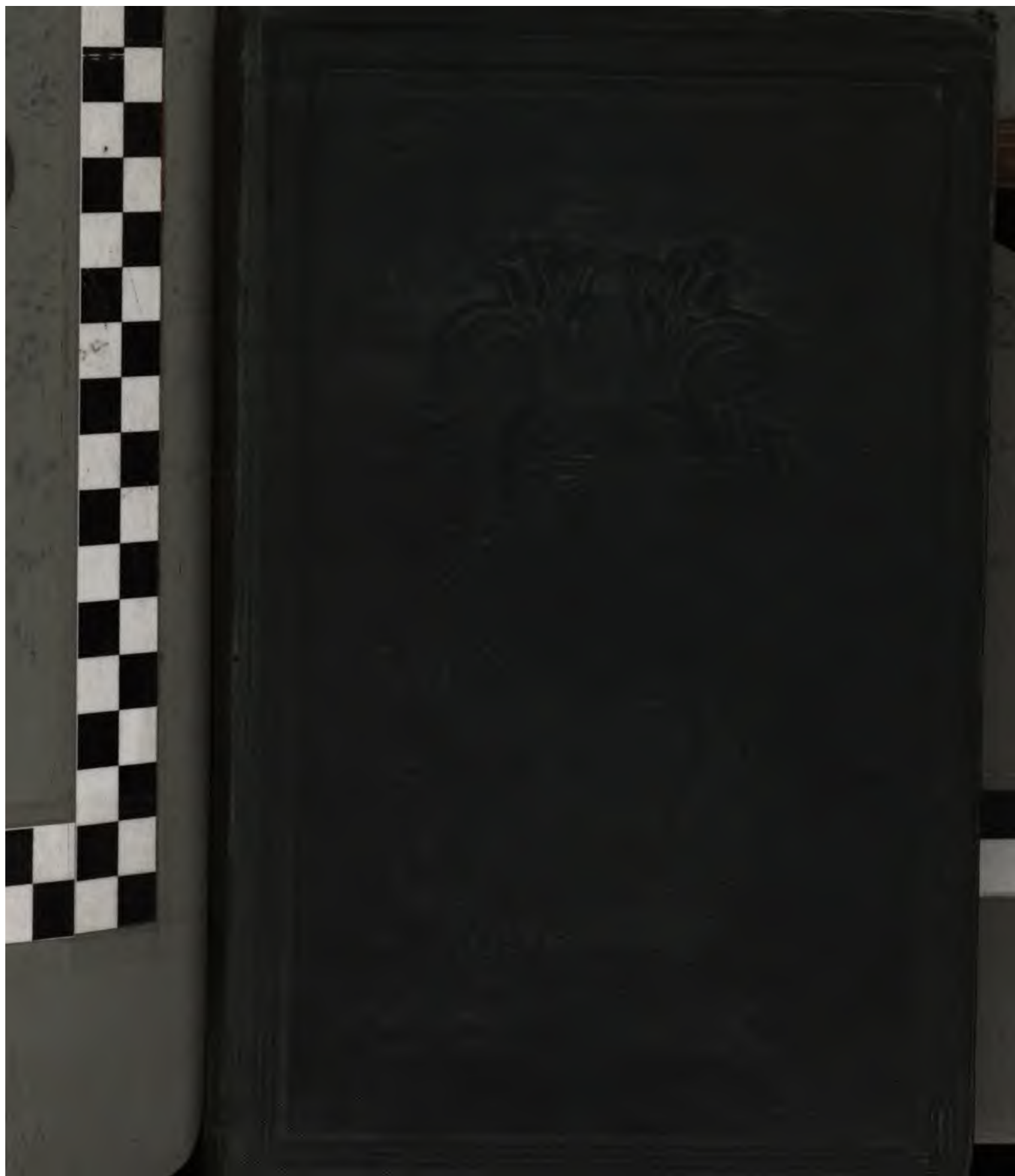
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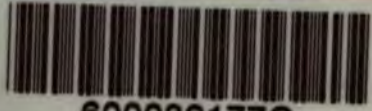
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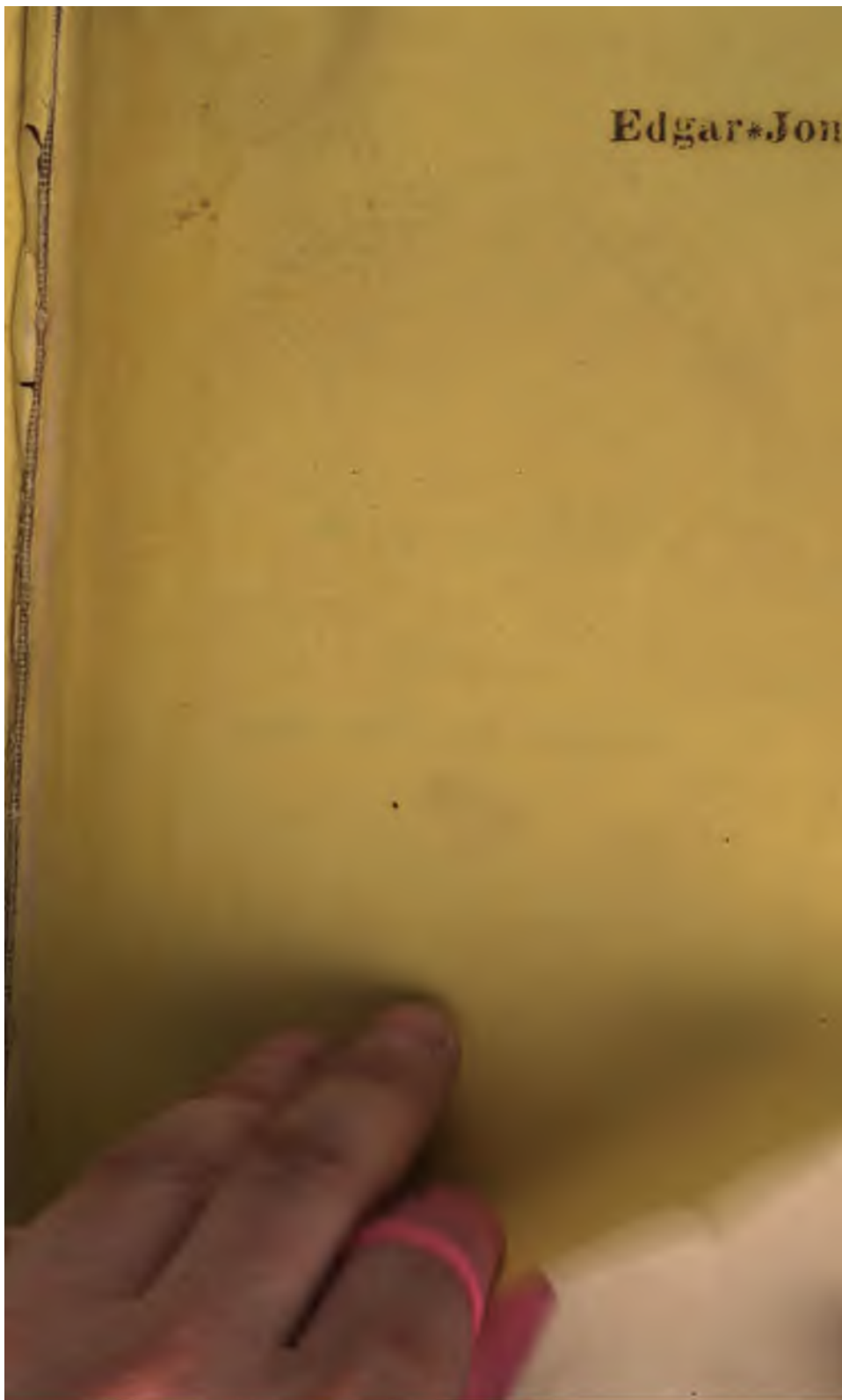
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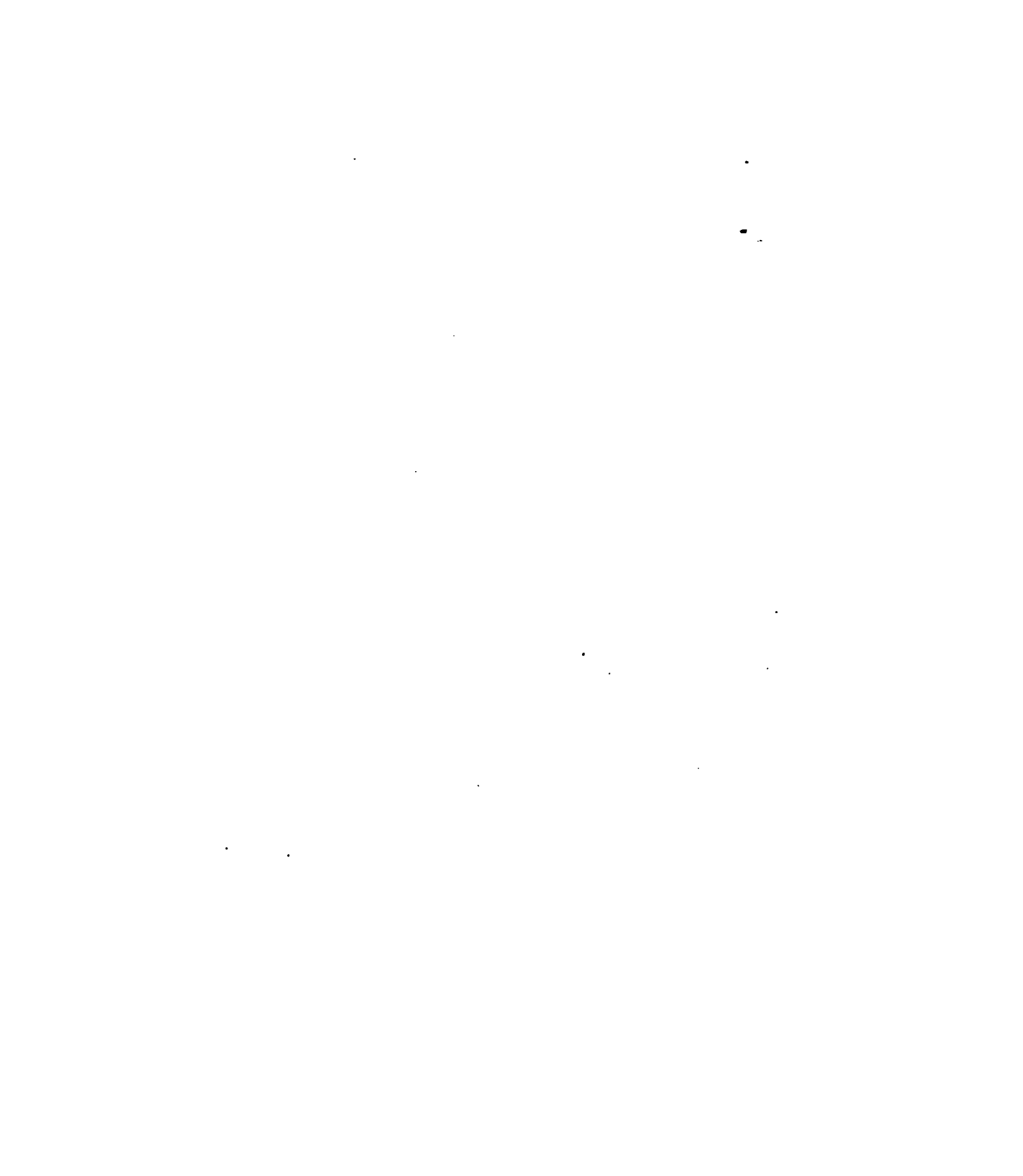
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OF
EDWARD,
FIRST EARL OF CLARENDON.
VOL. II

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AND
AUTHENTIC PAPERS NEVER BEFORE PUBLISHED.

BY
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1660.

THE Lord Chancellor was a witness of the Restoration. He was with Charles at Canterbury in his progress to London; followed his triumphal entry to the capital; and took his seat on the 1st of June, as Speaker in the House of Lords. He also sat on the same day in the Court of Chancery; and Lord Manchester was made Speaker, *pro*

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I.

1660.
Hyde takes his seat in the House of Lords, and in the Court of Chancery.

CHAP. *tempore*, in his absence.* He now entered upon
 I.
 1661. the arduous duties of that high office, of which
 hitherto he had borne only the envy and the
 name. His labours had indeed been great; but
 they had been not the well-defined duties of a re-
 cognised office, but the more varied, harrassing, and
 intricate labours of adviser and manager, in all that
 concerned the King's affairs.†

Unsuccess-
 ful attempts
 to exclude
 Hyde from
 office.

That Hyde, at this time, exercised great influ-
 ence over the King, is to be learnt from the
 evidence of those by whom his influence was depre-
 cated. † He paid the natural penalty of power, and
 found enemies in such as either feared or envied him.
 Monk is said to have been a secret enemy §; and
 the Queen and Jermyn seem to have retained their
 ancient grudge, and to have intrigued against him
 with the Presbyterian leaders. || The Catholics,
 (as Broderick wrote in January, 1660) looked upon
 him as inimical. The Presbyterians, according to
 the same informant, although they regarded him as
 “ the only man that hath and will keep out Popery,

* Lords' Journals. “ Soon after the King thought proper to grant
 “ a commission under his great seal, to Sir Orlando Bridgman, Lord
 “ Chief Baron of the Exchequer, to execute that place whenever the
 “ Lord Chancellor should be absent.” Parl. Hist. iv. 69.

† Of his labours as a correspondent with adherents in England I
 have spoken already. Bishop Burnet informs us that he also “ kept a
 “ register of all the King's promises, and of his own; and did all that
 “ lay in his power afterwards to get them all to be performed. He was,
 “ also, all that while giving that King many wise and good advices.
 “ But he did it too much with the air of a governor, or of a lawyer.
 “ Yet then the King was wholly in his hands.” Burnet's Own Times,
 i. 150.

‡ Thurloe, vii. 892.

§ Clarendon State Papers, iii. 738. 744. Burnet's Own Times, i.
 150. note.

|| Clar. State Papers, iii 738.

“and, because he understands the law, preserve
 “property,” yet also believed him “irrecon-
 “cileable to their form*,” and were anxious to
 have made such conditions as would have excluded
 him from power. The leading Presbyterians, Lords
 Manchester and Bedford, with Pierrepont, Pop-
 ham, Waller, and St. John, are reported to have
 spoken very bitterly with respect to the King’s
 adherents; and, as Samborne expresses it in a letter
 to Hyde, say “they cannot be secure if they permit
 “so much as a kitchen-boy to be about the King,
 “of his old party.”† Hyde was informed by
 another correspondent, that it was “believed con-
 “fidently that if the Parliament make conditions
 “with the King (which is supposed) there will be
 “great heaving to remove him from his council.”‡
 An opposition was also threatened to his retention
 of the office of Chancellor; and it was so serious,
 that Hyde appears to have intimated his willing-
 ness to resign that office, rather than obstruct the
 King’s return. § “This day,” said Broderick, in a
 letter of the 13th of May, “I dined with the
 “Speaker and the President of the Council; and
 “debating a motion made by Sir Walter Earle,
 “that the great officers of the nation ought to be
 “chosen by Parliament, and confirmed by the
 “King, I found the President, after a declaration
 “of his loyalty to His Majesty, and regard to my
 “Lord Chancellor and Lord Lieutenant (from

CHAP.

I.

1660.

May 31.

* Clar. State Papers, iii. 655.

† Ibid. iii. 728.

‡ Ibid. iii. 705.

§ Ibid. iii. 744.

CHAP. "whom he hath received late letters that command
 I. "all return) positively of opinion that neither
 1660. "would be allowed those capacities. A strange
 "distinction indeed he made, that they should
 "never inquire into the person of the Lord Treasurer, or any other officer, relating to the King's person, or his power, nor to any ministerial officer; but of the judicial, the general sense of the council and all the grave men, was to present such to the King as they thought agreeable to the place; and for the Chancellorship, if His Majesty pleased to confer it on Sir Orlando Bridgman, or Mr. Geoffery Palmer, they should be all abundantly satisfied."* This "strange distinction," as Broderick calls it, was not necessarily dictated by hostility to Hyde. It was urged as belonging to an important question which still engages the attention of reflecting men—whether the ministerial and judicial functions should remain united in the Lord Chancellor; or whether the highest judge in equity, should, like our other judges, be divested of his political character, and cease to be dependent for his tenure of office on the pleasure of the Crown.

All attempts to exclude Hyde from office were unsuccessful. His claims had been well supported, previously to the King's arrival, by Lord Southampton: and Charles's sense of his past services, and of the immediate importance of his eminent abilities, was a support still more effectual. He was confirmed in the possession of the Seals;

* Clar. State Papers, iii. 748.

and retained the office of Chancellor of the Exchequer, *pro tempore*, till the King could decide on whom it should be conferred.

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I.
1660.

From this time the Lord Chancellor was virtually the head of the Administration. On him the greatest weight of business fell; and by him all the more important measures of Government were, to a great extent, directed and controlled. He was fortunate in having among his colleagues some with whom he had been long in habits of confidential communication, and for whom he felt a sincere regard. Such was Ormond, appointed Lord Steward of the Household; Nicholas, principal Secretary of State; and Lord Southampton, who was made Lord High Treasurer in September, 1660.* The other principal offices were filled as follows: the Duke of York was Lord High Admiral; Monk, created Duke of Albemarle, was made Lord Lieutenant of Ireland, Commander-in-Chief of all forces in the three kingdoms, a Gentleman of the Bedchamber, and Master of the Horse; the Earl of Manchester was made Lord Chamberlain; the Privy Seal was given to Lord Say, who was soon succeeded by Lord Robartes; Sir William Morrice was one of the principal Secretaries of State. The office of Chancellor of the Exchequer was, about the same time that Lord Southampton was appointed Treasurer, resigned by Hyde, and

Composi-
tion of the
Ministry.

* From the Restoration till the appointment of Lord Southampton the Treasury was administered by a commission, of which Southampton, Hyde, Monk, Robartes, Colepepper, Montague, Morrice, and Nicholas were members.

CHAP.
I.
1660.

placed in the hands of Sir Anthony Ashley Cooper: Palmer and Finch were made Attorney and Solicitor-General; Lord Seymour was Chancellor of the Duchy of Lancaster; Sir Frederick Cornwallis Treasurer of the Household; and Sir John Berkeley, Comptroller. Thus were the foregoing offices filled immediately after the Restoration; but several changes subsequently occurred during the administration of the Lord Chancellor.

The Privy
Council.

The Privy Council comprised, in addition to the King's two brothers, and the principal ministers and officers of state, all who had been members of the Privy Council of Charles I., before the war. Among these were many faithful royalists: but there were also some who had espoused the cause of the Parliament. The number which the Council comprised, and the heterogeneous character of its components, rendered it an unsafe and inefficient instrument for the direction of public affairs. In order to obviate this difficulty, at the suggestion of the Chancellor, a committee was appointed ostensibly for the consideration of foreign affairs, but which was in reality a cabinet council, wherein might be discussed every question, whether of foreign or internal policy, before it was submitted to the whole board.* This committee consisted originally of the Chancellor, Ormond, Southampton, Monk, Nicholas, and Morrice.†

* This committee, as it appears from a few rough notes of its proceedings, in the hand-writing of Nicholas, in the State Paper Office, commenced its sittings in June, soon after the Restoration.

† Life of Clarendon, i. 370.

The King also “appointed the Chancellor, and
 “some others, to have frequent consultations with
 “such members of the Parliament who were most
 “able and willing to serve him; and to concert all
 “the ways and means by which the transactions in
 “the Houses might be carried with the more expe-
 “dition, and attended with the best success.”*
 The “others” alluded to, have not been named;
 but among them were probably those who com-
 posed the Committee for Foreign Affairs. In this
 committee, the influence of the Chancellor predo-
 minated, for, of his five colleagues, three were his
 old and intimate friends, whose opinions for the
 most part coincided with his own. Monk, it is
 true, disliked him; and Morrice was the friend of
 Monk: but these two could effect little against
 a majority of voices, aided by greater ability and
 experience, and the well-earned favour of the King.
 Ormond had, as we are told by Clarendon, “more
 “credit and esteem with the King than any other
 “man †,” and he declares, that even his own favour
 was increased by Ormond’s acknowledged friend-
 ship. Ormond deserved the King’s regard by
 his sufferings, his fidelity, his enterprising and chi-
 valrous spirit. He was moreover, as Burnet states,
 “a man every way fitted for a Court; of a graceful
 “appearance, a lively wit, and a cheerful tem-
 “per.” ‡ His abilities were good, but not trans-
 cendent. He was an agreeable speaker, but

CHAP.
 I.
 1660.

Character
 of Hyde’s
 colleagues.

* Life of Clarendon, i. 362.

† Ibid. i. 319.

‡ Burnet, i. 161.

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I.
1660.

appears to have owed the consideration he enjoyed, rather to his engaging qualities, than to any deference which his judgment and talents could inspire.

Southampton was a man of high principle, good abilities, and sound judgment; respected by the King, but not liked; and, partly through consciousness of want of favour, partly from declining health, a less active participator in the business of government than his talents entitled him to be.

Nicholas was a man of unimpeachable integrity, industrious, experienced, unpretending, and unambitious; not quick, but judicious; not favoured by the King, but devoted to the Chancellor, concurring with him cordially in business, and willing to act by his advice.

Morrice, who owed his advancement to Monk, was a learned rather than an able man. Burnet accuses him of pedantry and affectation. Clarendon says, that he "behaved himself very honestly and diligently in the King's service, and had a good reputation in the House of Commons."*

In commencing a view of the career of Hyde, as virtual head of an administration, and following his eventful progress in the exercise of authority, it must be borne in mind that we cannot fairly estimate his conduct, and justly apply our praise and censure, without considering the corrupting influences to which he was exposed. In morals and politics, as in mechanics, the disturbing

* Life of Clarendon, ii. 224.

forces must not be overlooked. Power is corrupting; and few ministers have possessed more than Hyde enjoyed, immediately after the Restoration. He was the most trusted servant of a popular king, and the head of a government in which a majority of the principal offices were filled by his devoted friends. Power gained, not by gradual steps, but by one stride, is doubly corrupting; and seldom has change been greater than that which a few weeks effected in the fortunes of Hyde. It is true, his office was nominally the same; but, in all but name, how great the difference! He had been the exiled and poverty-stricken follower of a pensioned king, dependant on the charity of foreign states,—the bearer of a powerless Seal, whose chief and dispiriting labour it was (and often under the shelter of a fictitious name), to collect and weigh the questionable reports of secret correspondents, and just to keep alive, but in due subordination to the dictates of prudence, that hope deferred which truly maketh the heart sick. He was now the first in place, favour, and authority among the ministers of a monarch, who, while invested by the public with sovereign power, still evinced towards him the deference of a pupil. He was borne triumphantly into place upon the willing necks of the people, under the influence of a reaction such as England had never witnessed. The return of a youth, of whom the public knew that he was the rightful king, but of whose personal qualities they knew nothing, was hailed with a delirium of loyal joy, which the greatest services could have

CHAP.

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scarcely merited. An enthusiasm, like that of emancipated slaves, had prompted the people to throw themselves and their liberties at the feet of him, in whose name they were relieved from the alternative of anarchy, or the government of the sword. Hyde saw his royal pupil thus invited to assume an authority almost despotic ; and which he, the minister, would exercise. His passions were appealed to as well as his ambition. For fourteen years he had been living in exile, ruined in fortunes, and proscribed in person ; and he had returned able, if willing, to feed fat the hatred with which his wrongs might have inspired him. Let those whose tempers cannot withstand the influence even of speculative differences, by which their fortunes are not affected, bear these circumstances in mind while they contemplate the course of Hyde, as Prime Minister of the restored King.

Proceed-
ings in
Parliament.

The proceedings of the Parliament must now be considered. The first Bill which received the King's assent, was " an Act for preventing and removing all questions and disputes concerning the assembling and sitting of this present Parliament." This measure was a sophistical method of quieting unreasoning scruples. If the Parliament was illegal, it could not by any act of its own confer legality on its own proceedings, nor could this Act be made valid by the Royal Assent. But if it be granted that this Act, after receiving the Royal Assent, became law, and could confer legality on the succeeding measures of the Parliament, in a similar manner might each succeeding measure

become valid without the previous sanction of this declaratory Act. If there was reasonable ground for doubt whether the Parliament had a legal existence, an immediate dissolution and the summons of another in the usual form, would have been more effectual methods of repairing the defects of form. But it was dangerous, under existing circumstances, to lose the support of a friendly Parliament; to disturb the internal peace of the country; and, while the stability of the Crown was yet unconfirmed, to stake it upon the chances of a general election. It was, therefore, considered safer to retain for a while the Convention Parliament; and to gloss over whatever defects were suspected in its title by this declaratory Act.*

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The King also gave his assent to a Bill to continue the tax of 70,000*l.* a month, for three months longer; and a Bill for continuance of process and all judicial proceedings; which, being passed, the Lord Chancellor, "in a large speech †," as the Journals express it, told both Houses "with how much readiness his Majesty had passed these important acts, and how willing they should at all times hereafter find him to pass any other that might tend to the advantage and benefit of the people; in a particular manner desiring, in his

June 1.

* It appears from a paper in the hand-writing of Nicholas, preserved in the State Paper Office, containing minutes of the proceedings in the Committee for Foreign Affairs, on the 18th of June, 1660, that the propriety of calling a new Parliament was made a subject of discussion on that day.

† It is to be regretted that no full report of this, Hyde's *first* official speech, is extant. The Journals inform us that on the 2d of June "the House gave the Lord Chancellor thanks for his excellent speech "yesterday, when His Majesty was here." Lords' Journals.

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“ Majesty’s behalf, that the Bill of Oblivion, in
 “ which they had made so good a progress, might
 “ be expedited; that the people might see and
 “ know his Majesty’s extraordinary gracious care
 “ to ease and free them from their doubts and
 “ fears; and that he had not forgotten his gracious
 “ declaration made at Breda, but that he would
 “ in all points make good the same.” *

Bill of
 Indemnity
 and Oblivion.

The Declaration from Breda had granted a free and general Pardon to all who “ within forty days
 “ after the publishing hereof, shall lay hold upon
 “ this our grace and favour, and shall by any public
 “ act declare their doing so; and that they return
 “ to the loyalty and obedience of good subjects,
 “ excepting only such persons as shall hereafter be
 “ excepted by Parliament.” It is evident, from the language previously used by the King and his advisers, that it was expected that the Regicides should be excepted from pardon. Such had been the tenor of all previous declarations.† He had excepted them in his written promise during the preceding year‡; and the present flight of many of the Regicides proved how little they were inclined to consider

* Kennet’s Reg. 172. Echard, 773. Parl. Hist. iv. 64.

† In the King’s Declaration, published at Jersey, Oct. 31. 1649, he says, “ We are graciously pleased to receive all persons, *other than such who voted or acted in that bloody murder of our dear father.*” In his Declaration from Dumferline, Aug. 16. 1650, he promised to pass an Act of Oblivion, excepting only “ some few in that nation who have been chief obstructors of the work of Reformation; and chief authors of the change of the government, and of *the murder of his royal father.*” Even in his promise to the agitators, in May, 1657, when he might be presumed more than ordinarily anxious to allure them to his aid by expressions of lenient intention, he distinctly excepts “ those only who sat and voted the murder of my father.” Clarendon State Papers, iii. 341.

‡ Clar. State Papers, iii. 529.

themselves safe. In the present instance, however, the King had not positively excepted any from pardon, but had left the whole matter to the decision of the Parliament. But, in his letters from Breda to the Speaker of the Commons, inclosing the Declaration, was a passage which could scarcely be called ambiguous: "If," it said, "there be a crying sin for which the nation may be involved in the infamy that attends it, we cannot doubt but that you will be as solicitous to redeem and vindicate the nation from that guilt and infamy as we can be." All evidence on this point concurs to prove that it was the intention of the King that all concerned in the trial and execution of Charles I. should be considered as murderers, and treated accordingly. Nevertheless, (for what reason, and by what advice, is not apparent,) a Proclamation was published, on the 6th of June, summoning all members of the Regicide Court of Justice to surrender within fourteen days, under pain of exclusion from pardon. It was a natural inference, that all those would receive their pardon who complied with this proclamation; and, probably under some such impression, nineteen Regicides did surrender themselves to the Speaker of the House of Commons.* That the Proclamation was intended by the King's advisers as a promise

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* Ludlow says the proclamation was issued in consequence of a petition from the court party in Parliament to the King. Clarendon speaks of it as if it had been the act not of the King, but of the Parliament. Ludlow was in much doubt on the expediency of surrendering; and was induced to do so only by the persuasions of Sir Harbottle Grimstone, and other Members of the House of Commons. Ludlow, iii. 23—30.

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of pardon, is not probable. If such had been its meaning, it would have annulled that power which the King had expressly given to the Parliament of excepting whom they would. It is improbable that the King should have chosen that the punishment of the Regicides should be wholly determined by the mere circumstance of surrender; and that, if all had given themselves up, he should be thereby precluded from inflicting punishment on a single person. It is probable, that no more was meant than that all who surrendered themselves might have a chance of acquittal, or of pardon; while the others would be at once found guilty, and excluded from all hope of pardon. And this is confirmed by the declaration of the Chancellor, who, at a conference of the two Houses, stated, that neither the Peers nor the King "had any other sense of the Proclamation than as a process or summons, under pain of being excepted from any pardon of life or estate, if they came not in."* Though such must have been the meaning of those who framed this "Proclamation," it was not universally so understood. It therefore became a snare; and

* Commons' Journals, Aug. 23. 1660. The wording of the Proclamation tends to justify this interpretation. It declares that, whereas certain persons "have lately fled and obscured themselves, whereby they cannot be apprehended and brought to a personal trial for their said treasons, according to law," all such persons shall, within fourteen days, render themselves, "under pain of being excepted from any pardon or indemnity, both for their respective lives and estates." Serjeant Hales is reported to have said in the House of Commons "that the Proclamation did not imply that those who came in should be pardoned, though they did presume upon it; nor could he plead for such offenders, but for the honour of the King and the Houses." Parl. Hist. iv. 102.

acts of retributive justice, to which otherwise few could have objected, were sullied with the imputation of a breach of faith. The King and his advisers might complain that unauthorised inferences were arbitrarily drawn, and that meanings were attached to the Proclamation which had never been theirs. But where there is ambiguity of expression, the consequences of such ambiguity should redound unfavourably only to the authors. Far better would it have been that all the guilty should have escaped, than that in a penal matter, words of which the meaning was unintentionally equivocal, should not have been construed in the manner most favourable to the culprits who appealed to them.

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The Commons had entered upon the consideration of the subject of Indemnity, soon after the receipt of the Declaration from Breda, and the Bill was read a first time on the 9th of May, and a second time on the 12th. It was unanimously agreed, that some of the Regicide judges should be excepted from pardon; but much diversity of opinion was displayed in the attempt to settle the number. Some proposed to except *all*; others *twenty*, others *thirteen*. Monk, who had advised the King to except only *four*, attempted, and with some success, to stem the current of severity, and reduce the number first to *nine*, and eventually to *seven*. It was accordingly resolved, on the 14th of May, that only seven of the King's judges should be excluded from pardon. Nothing more was done till after the

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King's arrival, and then the excepted *seven* were named. They were Harrison, Say, Jones, Scott, Holland, Lisle, and Barkstead. But the lenient spirit which prevailed in the outset, ceased to maintain its ascendancy. The actual presence of the King and his court, and the exuberant ebullitions of loyalty which burst so vehemently from assembled myriads, had not tended to diminish their detestation of Regicides, or to impart a merciful calmness to their deliberations. The restriction to *seven* was disregarded. *Three* more (Cooke, Broughton and Dendy) were excepted on the 8th of June; and on the same day a resolution was carried, that, in addition to the foregoing exceptions, "twenty, and no more," should be left amenable to punishments not affecting life. This limitation, like the former, was ineffectual: and though it does not appear to have been formally rescinded, the merciful boundary which it prescribed was passed in the course of a few days. On the 30th of June, the Commons voted the exception of all such of the Regicides as had not surrendered themselves within fourteen days, according to the Proclamation of the 8th of June. Eleven, who had not so surrendered, were excepted, by name, on the 9th of July; and on the 11th the Bill was sent up to the Lords.* Had the King and his advisers been vindictively disposed, their authority, we are told, was so great with the Commons, that the exclusion of more might have been easily obtained: "And there

* Commons' Journals, *passim*.

“ wanted not many,” said Clarendon, “ who used
 “ all the credit they had to inflame the King to
 “ that retaliation and revenge. And it was then,
 “ and more afterwards, imputed to the Chancellor,
 “ that there were no more exceptions in the Act
 “ of Indemnity, and that he laboured for expedi-
 “ tion of passing it, and for excluding any extra-
 “ ordinary exceptions ; which reproach he neither
 “ then, nor ever after, was solicitous to throw
 “ off.” *

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The Lords were still less lenient than the Commons. They had directed lists to be made of all who sat when sentence was passed on Charles I., and of all who signed the warrant for his execution ; and, on July 23d, they ordered that all the survivors named in those lists should be absolutely excepted out of the Act of Indemnity and Oblivion, and that their persons should be forthwith secured.

On the 1st of August they proceeded still farther in their course of proscription, and excepted Vane, Lambert, Haselrig, Axtell, and Hacker. On the 7th, they attempted to avenge the wrongs of their own body, by singling out for capital punishment four persons who sat upon the trials of the Duke of Hamilton, and of Lords Holland, Derby, and Capel ; and they scrupled not to adopt the odious and vindictive course of giving the nomination of the person to be sa-

* Life of Clarendon, i. 470.

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 crificed to the nearest relative of each of those peers,—a disgusting privilege, which Lord Denbigh, the brother-in-law of the Duke of Hamilton, humanely exercised, by selecting the name of a person who was dead.* On the 9th, they resolved, that all those who had sat in any illegal high court of justice “shall be made incapable of bearing any office, ecclesiastical, civil, or military, within the kingdom of England, and dominion of Wales; and that all such persons shall be liable to such further penalties, as by any future act of Parliament may be inflicted upon them, not extending to life †:” and they introduced still other alterations, rendering the measure more severe.

The King, by Hyde's advice, recommends lenity and despatch.

Neither severity nor delay were agreeable to the wishes of the King and his advisers. The Chancellor, who had disapproved of certain expressions in the declaration from Breda, inserted in compliance with the wishes of Monk, now desired that the expectations of lenity which that declaration held out should not be disappointed. Despatch was also to be desired, not only because the discussion of this subject evidently tended to exasperate the vindictive spirit unhappily prevalent in each house of Parliament; but also, because while this question was undecided, no progress could be made with other business; a general sense of insecurity was augmented and prolonged; and rumours were circulated that the King did not intend

* Lords' Journals. Ludlow, iii. 34.

† Lords' Journals.

to fulfil his promise. Lenity and despatch were therefore strongly recommended to the Parliament in several royal messages and speeches, emanating, undoubtedly, from the advice, and, probably, from the pen of Hyde.* “It is evident,” said a royal message to the Commons on the 18th of June, “that all we have or do offer doth
 “not enough compose the minds of our people,
 “nor, in their opinions, can their security be
 “provided for till the Act of Indemnity and
 “Oblivion be passed; and we find great industry
 “is used by those who do not wish that peace to
 “the kingdom they ought to do, to persuade our
 “good subjects that we have no mind to make
 “good our promises, which, in truth, we desire to
 “perform for our own sake, as well as theirs. And
 “we do therefore very earnestly recommend it to
 “you, that all possible expedition be used in the
 “passing that most necessary act.” †

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On the 27th of June, the King came to the House

* That Charles's speeches and messages were composed by Hyde, appears, in many instances, from internal evidence of sentiment and style, and, in many, from the rough drafts in Hyde's hand-writing, which are extant among his papers in the Bodleian Library. The following is one of these:—“His Majesty, takinge notice of the delay in the passinge the Bill of Indemnity, and of the greate obstructions to the peace, and security of the kingdome, which aryse from that delay, doth very earnestly recommend to the House of Peers that they will use all possible expediçon in passinge the same, and that they will rest satisfied with the excepçons they have already made of persons, and from hence forwarde that they not thinke of any further excepçons of persons *cither as to life or estate, or any other incapacity*, but endeavour by all means to bury all thoughts of animosity and revenge, that the whole Island may returne to those mutuall offices of conversation and friendship which can only establish a firm and lastinge peace.”

† Com. Journals, June 18. 1660.

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of Lords and delivered a speech, in which he alluded to two previous recommendations of "the speedy despatch of the Act of Indemnity as a necessary foundation of that security we all pray for;" declared that he never thought of excepting from pardon any other than "the immediate murderers" of his father; besought them to "oblige all other persons by not excluding them from the benefit of this act;" spoke of the advantages of mercy; and added, "therefore I do earnestly desire and conjure you to depart from all particular animosities and revenge, or memory of past provocations, and that you will pass this Act without other exceptions than of those who were immediately guilty of that murder of my Father."*

Conferences ensued between the two Houses, in which the point most warmly contested was the interpretation to be attached to the Proclamation of the 6th of June—the Commons maintaining, that by implication it promised pardon to all who surrendered themselves—the Lords, that it was merely of the nature of a summons, and conferred only the right of trial, and the chance of acquittal or of pardon. After much debate, a compromise was effected, which consisted in the adoption of a middle course, not warranted by either of the foregoing interpretations; and it was agreed that the Regicides who surrendered themselves should be

* Lord's Journals, July 27. 1660.

tried for their lives, but should not be executed without the sanction of an act of Parliament.

At length the Bill passed both Houses, and received the Royal Assent.* It first pardoned generally all political offences since June 1. 1637; then made the following exceptions; — of fifty-one persons (of whom forty-nine were named) who were instrumental to the death of Charles I., with a proviso that the nineteen who had surrendered themselves should not receive capital punishment without the sanction of an act of Parliament to be passed for that purpose — of Vane and Lambert — of Haselrig, and six others, as far as regarded any punishment not capital — of twenty persons by name rendered incapable of any office, ecclesiastical, civil, or military — of all others (except Ingoldsby and Tomlinson) who, since December 5. 1648, had given sentence of death in any illegal high court of justice, or signed a warrant for the execution of persons so condemned.

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* On the occasion of this Bill receiving the Royal Assent, the Speaker of the House of Commons thought it not inconsistent with good taste, good feeling, the gravity of the occasion, and the dignity of his office, to pour forth such fustian as the following:—“ But looking
“ over a long, black, prodigious, dismal roll and catalogue of male-
“ factors, we there met not with men but with monsters, guilty of blood
“ — precious blood — precious Royal blood — never to be remembered
“ without tears — incomparable in all kinds of villanies that ever were
“ acted by the worst of miscreants — perverters of religion, subverters of
“ the Government, false to God, disloyal to the best of kings, and per-
“ fidious to their country. And, therefore, we find an absolute and
“ indispensable necessity incumbent on us to except and set some
“ apart for an antidote to expel the poison of sin and rebellion out of
“ others; and that they may be made sacrifices to appease God’s wrath
“ and satisfy divine vengeance.” Parliamentary History, iv. 113.

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Settlement
of the Re-
venue.

The next important business was the settlement of the Revenue. Pecuniary embarrassment had been a fruitful source of dissension between the Crown and the Parliament in the preceding reign; and it was advisable to make such provision as would preclude the recurrence of such dissension. That the Parliament should abandon its controlling power, and the Crown be relieved from its dependence on the people, was not desirable; but it was desirable to abate any great disproportion between the exigences and the supplies, and to obviate that recklessness which such disproportion tended to encourage — to leave little to the capricious fluctuations of parsimony and generosity — and (in the words of Lord Clarendon) “to settle such a revenue upon the Crown as the King might conform his expense to, and that it should not be in any body’s power to make that revenue be esteemed by him to be greater than in truth it would be.”*

Sept. 4. A Committee appointed to consider this subject, reported to the Commons that the average revenue of Charles I., from 1637 to 1641 inclusive, had been 895,819*l.*: and the average expenditure about 1,100,000*l.* At that time prices were lower, and the country less burthened with navy and garrisons, among which latter, Dunkirk alone now cost more than 100,000*l.* a-year. It appeared, therefore, that the least sum to which the King could be expected

* Life of Clarendon, i. 421.

to "conform his expense," was 1,200,000*l.*: and this was the revenue which the Parliament agreed to settle upon him. There is reason to believe, that in the existing temper of the House of Commons, and during the first ebullitions of exuberant loyalty, it would have been possible for the King to have obtained the assignment of a much larger income. But the Chancellor, it is said, would make no such request, but discountenanced a liberality which would have encouraged Charles's extravagance, and rendered him too little dependent on the representatives of the people. "It was "believed," says Burnet, "that if two millions had "been asked he could have carried it. But he "had no mind to put the King out of the necessity of having recourse to his Parliament. The "King came afterwards to believe that he could "have raised both his authority and revenue much "higher, but that he had no mind to carry it "farther, or to trust him too much."* By the

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* Burnet, i. 271. 435. Pepys, iv. 276. Welwood's Memoirs, 121. Père d'Orleans, iii. 144. Pepys was told by Sir W. Coventry that Lord Southampton, "when the King did show himself forward for "passing the Act of Indemnity, did advise the King, that he would hold "his hand in doing it till he had got his power restored that had been "diminished by the late times, and his revenue settled in such a "manner as he might depend on himself, without resting upon parliaments, and then pass it. But my Lord Chancellor, who thought he "could have the command of parliaments for ever, because for the "King's sake they were awhile willing to grant all the King desired, "did press for its being done; and so it was, and the King from that "time was able to do nothing with the Parliament almost." iv. 276, 277.

The following statement is made by Père d'Orleans:—"Une personne digne de foi m'a dit savoir du Comte de Bath, qu'Alexander Popham, homme d'intrigue et de beaucoup d'habilité, offrit au Roi

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moderate income which he was contented to obtain, he indicated an intention to withhold from the Crown those two great means of despotic power, pecuniary independence, and a standing army; to adhere to the principles of limited monarchy, and to support the cause of constitutional freedom.

To fix the nominal amount of the Revenue was less difficult than to determine the sources from whence it should proceed. According to the Report of the Committee, a portion of the annual revenue of Charles I., estimated at 210,493*l.* arose, "by payments partly not warranted by law, partly expired;" and the remaining available sources then employed were only such as had produced about 600,000*l.* The revenue of Charles II. was estimated at 819,398*l.*; but the Committee admitted that from this sum a deduction must be made, which reduced it to 773,700*l.* They had also included the Court of Wards, which it was in contemplation to abolish, and had exaggerated the amount of the Customs and Crown rents. It was

" d'engager le Parlement, par le moyen d'une cabale qu'il y avoit, à assigner à ce Prince, par un décret que l'on feroit passer au loi, deux millions deux cens milles livres sterlins de subsidé perpetuel, à qui avec la revenue de l'Excise et de divers autres droits l'auroit rendue un très riche roi; que Charles avoit agreablement écouté cette proposition, mais qu'en ayant consulté Hyde, ce ministre lui avoit repondu que le plus sûr bien qu'il pût acquirir étoit le cœur de ses sujets, qu'il s'en falloit reposer sur eux, et qu'il y trouveroit des ressources qui ne lui manqueroient pas au besoin. Si le Chancelier parloit comme il pensoit, la suite de cette histoire fera voir que les habiles gens ne pensent pas toujours juste." Orleans, Hist. des Révolutions d'Angleterre, iii. 144.

Welwood's evidence tends to corroborate the preceding statements. See his Memoirs, p. 121.

probable, therefore, that after the abolition of the Court of Wards, of which the revenue was estimated at 100,000*l.* per annum, the available revenue from existing sources, without the imposition of a fresh tax, would not exceed a moiety of the 1,200,000*l.* which they were about to fix as the revenue of the Crown. *

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This difficulty did not deter the Legislature from effecting a measure, important in other respects than as a mere matter of fiscal arrangement. They took this opportunity of abolishing by commutation an ancient source of the King's revenue, a cherished attribute of the prerogative, profitable to the Treasury, but galling to the subject, and ill-suited to the spirit of the times. It was determined to abolish Feudal Tenures, and all their incidents (except only the honorary services of Grand Sergeantry), the Court of Wards with its oppressive power over the estates of minors, and the vexatious rights of pre-emption and purveyance. In assigning a source of compensation, a tax on lands held in chivalry, and thus to be relieved from the incidents of that tenure, was one of obvious equity, and was originally intended; and an apportionment of the 100,000*l.* with that view, was brought in by the Committee, and ordered to be read.† But the cupidity of some of the members of the Legislature, in which the landed interest prevailed, promptly suggested an expedient. The Excise which

Abolition
of Feudal
Tenures,
Wardships,
and Pur-
veyance.

* Commons' Journals, Sept. 4. 1660. Letters and Papers, vol. iii.

† Commons' Journals, Nov. 8. 1660.

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had been considered a war tax, justified only by pressing exigencies, and voted only for short periods, was now proposed as a permanent substitute for the tax on lands in chivalry. For the honour of the Commons it must be said, that this proposal to make the poor pay for the rich, and the many for the few, was stoutly opposed; and the resolution, that a moiety of the Excise should be settled on the King, his heirs and successors, in full satisfaction for all services in capite, and by knight's service, of the court of Wards and Liveries, and Purveyance, was carried only by 151 to 149. Having thus perpetuated a moiety of the Excise, the Commons availed themselves still further of this ready source of income to supply their large deficiencies; and resolved, that the other moiety of the Excise should be settled on the King for his natural life, in full of the income of 1,200,000*l.* a year.*

In this *settlement* of the Revenue the Legislature erred, both in fixing a sum inadequate to the expenditure, and in assigning funds from which not even that inadequate sum could be raised. They thus neither discouraged prodigality in the King, nor afforded security and certainty to the subject. By fixing an inadequate income they extinguished the hope of successful economy; and by assigning inadequate funds, they made that income only nominal. Reckless prodigality will too often ensue when there is no prospect of reducing expenses within the prescribed limits of the income. If the

* Commons' Journals, Nov. 27.; Dec. 21, 22.

line *must* be broken, it is soon considered immaterial whether the excess be great or small; and when, as in this instance, the settlement of that line was of the nature of a compact, a failure on the one hand to fulfil the conditions of supply produced indifference on the other to the conditions of expenditure.*

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It is also to be regretted, that at this time no distinction was made between money allotted to the current service and that which is now called the Civil List; but all was denominated the Revenue of the Crown. A profligate and extravagant monarch was thus tempted to treat the whole as private income, and to divert money from the service of the public for the gratification of his individual tastes. Such a temptation was peculiarly dangerous to a prince like Charles; and to this, and to the pecuniary embarrassments under which he

* It was soon found necessary to bring the deficiency of the Revenue under the notice of Parliament. It was referred to the consideration of a Committee, of which Sir Philip Warwick was chairman, and who reported the amount of the deficit to be 265,000*l.*; and, in consequence of this report, a bill was brought in, "to enable his Majesty to send out Commissioners to receive the free and voluntary contributions of his people towards the present supply of his Majesty's affairs;" (Commons' Journals, May 30. 1661) a mode of replenishing the Exchequer which, if the contributions were to be in any sense "free and voluntary," made the Crown a mendicant petitioner in a manner injurious to its dignity; and which, if any compulsion were mingled with the request, was an approach, slight, perhaps, but still highly objectionable, to the old system of forced loans. Sir Philip Warwick told Pepys, in 1664, that "the 1,200,000*l.*, which the Parliament, with so much ado, did first vote to give to the King, and since hath been re-examined by several Committees of the present Parliament, is yet above 300,000*l.* short of making up really to the King the 1,200,000*l.* as by particulars he showed me. And in my Lord Treasurer's excellent letter to the King upon the subject, he tells the King how it was the spending more than the Revenue that did give the first occasion of his father's ruin." Pepys, ii. 162.

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Pecuniary
embarrass-
ments.

commenced his reign, many of the political evils of that period may be clearly traced.

“ I must tell you,” said the King in his speech to the Parliament, on the 29th of August, 1660, “ that I am not richer, that is, I have not so much money in my purse as when I came to you. The truth is, I have lived principally ever since upon what I brought with me, which was indeed your money. You sent it to me, and I thank you for it. The weekly expense of the Navy eats up all you have given me by the Bill of Tonnage and Poundage. Nor have I been able to give my brother one shilling since I came to England, nor to keep any table in my house, but where I eat myself; and that which troubles me most is to see many of you come to me at Whitehall, and to think you must go somewhere else to seek a dinner.” *

This homely tale of royal penury was followed by a statement of debts. The Committee of Finance, which finished their labours on the 3d of September, embodied in their Report the following alarming list:—

Debts yet unsatisfied charged upon the Excise, and payable by virtue of sundry ordinances of 1647 and 1648, 319,968*l*.

Debts charged upon the Excise since the return of the secluded members, 75,010*l*.

Debts on account of the Navy, 699,720*l*.

Further debts, amounting to 529,600*l*., consisting

* Lords' Journals, Aug. 29. 1660.

of money lent during the troubles ; unpaid charges upon the Exchequer, the Customs, and the Stan-
naries ; and arrears to the Queen of Bohemia and the Princess Royal, all which, says an appended memorandum, “ his present Majesty is engaged, in
“ honour, to see satisfied ; and are humbly offered
“ to the Parliament by this Committee as debts
“ which, in honour, they are bound to take care
“ of.” *

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But this was not all : the Army was to be paid, and disbanded ; and after the expenditure of 250,402*l.* for that purpose, it appeared from the Report of a Committee †, that it was requisite to provide a further sum of 422,819*l.*

There was in the three kingdoms a military force of above 60,000 men, of which the continued existence was both dangerous and expensive. It was a power which had lately been supreme ; and, being deposed from its supremacy, would naturally be discontented at the transfer of sway into the constitutional hands of the Sovereign and the Parliament. Demonstrations of adhesion from the soldiers, amidst the first fervid excitement of the King's return, were necessarily delusive. Their “ infant loyalty ” could not be relied upon ; and “ it was evident,” says Clarendon, “ that how united so-
“ ever their inclinations and acclamations seemed
“ to be at Blackheath, their affections were not the
“ same.” ‡

Disband-
ing the
army.

* Commons' Journals, Dec. 18. 1660., viii. 237—244.

† Ibid. Nov. 6. 1660.

‡ Life of Clarendon, i. 334.

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Monk had not only lost his influence, but had become so obnoxious, that his life was endangered by secret plots. He had changed the officers, dismissing Presbyterians, and appointing Royalists, for whom "the old soldiers had little regard." Lambert was a prisoner; but his faction were at liberty, numerous, dissatisfied, and not disheartened: and the disbanded soldiers, mingling with their comrades, actively engaged in clandestine canvassing for the re-assertion of "the good old cause." Organised combination was effected; and the silent growth of smothered disaffection was fast ripening to revolt. Vigilance, conciliation, the prompt payment of arrears, and a judicious method of disbanding, averted the danger in which the longer continuance of a large body of Republican troops might probably have involved the realm.

The Lord Chancellor, in an able speech, at the adjournment of the Parliament*, gave precedence to this subject, and was careful to advert to it in manner flattering to the feelings of the army. He said, the King "does not take it unkindly "at their hands who have thought that his Majesty would not disband this army. It was a "sober and a rational jealousy. No other Prince "in Europe would be willing to disband such an "army — an army to which victory is entailed, and "which (humanly speaking) could hardly fail of "conquest wheresoever he should lead it. And if "God had not restored his Majesty to that felicity

* Lords' and Commons' Journals, Sept. 13. 1660.

“ as to be without apprehension of danger at home
 “ or from abroad, and without any ambition of
 “ taking from his neighbours what they are pos-
 “ sessed of, himself would never disband this
 “ army—an army whose order and discipline,
 “ whose sobriety and manners, whose courage and
 “ success, hath made it famous and terrible all
 “ over the world.” “ His Majesty knows they
 “ are too good Englishmen to wish that a standing
 “ army should be kept up in the bowels of their
 “ own country; that they, who did but *in bello*
 “ *pacis gerere negotium*, and who, whilst an army
 “ lived like good husbandmen in the country, and
 “ good citizens in the city, will now become
 “ really such, and take delight in their benefit of
 “ that peace they have so honestly and so wonder-
 “ fully brought to pass.” And he proceeds to say,
 that “ both officers and soldiers, after they are
 “ disbanded, shall always find such countenance,
 “ favour, and reward from his Majesty, that he
 “ doubts not but, if he should have occasion to
 “ use their service, they will again resort to him
 “ with the same alacrity as if they had never been
 “ disbanded.”

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Before November, 1660, twenty-three garrisons,
 seventeen regiments of foot, and five of horse, con-
 stituting much more than half the whole force, had
 been paid off and disbanded in England and Scot-
 land.* They were disbanded, says Burnet, “ in such
 “ a manner, with so much respect, and so exact an

* Commons' Journals, Nov. 6. 1660.

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“ account of arrears, and such gratuities, that it
“ looked rather to be the dismissing them to the
“ next opportunity, and reserving them till there
“ should be occasion for their service, than a break-
“ ing of them. They were certainly the bravest,
“ the best-disciplined and the soberest army that
“ had been known in these latter ages. Every
“ soldier was able to do the functions of an officer.”*
They had earned as soldiers, this honourable pre-
eminence in bravery and discipline; and they
subsequently merited commendation as citizens by
their orderly demeanour, exemplary and remarkable
in an age of licence.

* Burnet, i. 274.

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SETTLEMENT OF PROPERTY.—HYDE INCURS THE ENMITY OF MANY OF THE ROYALISTS.—HIS SPEECH ON THE CONFIRMATION OF SALES.—CONDUCT OF THE CLERGY.—HYDE IS ACCUSED OF HAVING FAVOURED THE CHURCH.—CHURCH GOVERNMENT.—HOPES OF THE PRESBYTERIANS.—THEIR PROPOSALS FOR A COMPROMISE WITH EPISCOPACY.—QUESTION OF COMPROMISE DISCUSSED IN PARLIAMENT.—MEETING OF PARTIES AT THE CHANCELLOR'S HOUSE.—KING'S DECLARATION, FRAMED BY HYDE, CONCERNING ECCLESIASTICAL AFFAIRS.—A BILL IS BROUGHT IN FOUNDED ON THE DECLARATION, AND REJECTED.

THE settlement of property presented formidable difficulties. The late revolution had transferred, to a great extent, lands belonging to the crown, to the church, and to private persons into the hands of other possessors. The crown lands had been seized by parliamentary ordinance, in 1643; the church lands in 1646. They were for a time vested in trustees, and afterwards sold; and such was men's faith in the stability of the commonwealth, that the confiscated crown and church lands were sold "at the clear income of fifteen, sixteen, "and seventeen years; one-half the sums contracted for being paid down in ready money."* In addition to these transactions between individuals and the state, there were many between

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* Ludlow, i. 299.

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private persons, equally arising from political circumstances. With a devotion to the royal cause, ill-deserved and ill-requited, many cavaliers had nobly contributed large sums raised by the sale of their estates. The debts they had contracted in the same service, and the fines to which they were afterwards exposed, obliged them to sell still more, and reduced to penury many proprietors once opulent. Their misfortunes entitled them to commiseration and respect; and every generous and grateful feeling advocated redress for sufferings so meritorious.

Thus were the claims of the crown, of the church, and of the impoverished and deserving royalist, arrayed against the adverse possession of men, many of whom might truly say, that they did not oppose the return of Charles, only because they trusted that solemn compacts would be scrupulously respected.

The words of the King's declaration from Breda taught all men to look to the Parliament for the settlement of these various claims.* But the differences in question were not determined by the *direct* interposition of the Parliament. A bill for the confirmation of sales was indeed brought in, but never passed: judicial decisions in courts of law and equity had been confirmed: all

* "Because," said the Declaration, "many grants and purchases of estates have been made to and by many officers, soldiers, and others, who are now possessed of the same, and who may be liable to actions at law upon several titles, we are willing that all such differences, and all things relating to such grants, sales, and purchases, shall be determined in parliament, which can best provide for the just satisfaction of all men who are concerned."

suits instituted against persons concerned in executing the illegal ordinances of the Commonwealth Parliaments were stopped by the act of indemnity; and parties were left to assert their rights by the common course of law. By the operation of the law, transactions among individuals were distinguished from transactions between individuals and the usurping government,—a distinction which seemed fraught with cruelty, and while it favoured many who had suffered little, excluded the aggrieved and deserving royalist from redress. The crown, the church, and a few individuals whose lands had been seized by the usurping government, re-entered easily into possession, upon the strength of the original title, to which the adverse holders had no valid title to oppose. Not so the royalists, who had sold their lands: such sales were legal transactions. The cavalier might have sold to the commonwealth's man, that he might raise funds for the royal cause, or pay the fines which the usurping government imposed. But the restored government could take no cognizance of the political principles of the buyer and seller, or of the purposes to which the purchase-money might have been applied. The sale had been voluntary: the seller was bound by his own act: and the government could not release him from the obligations of that act, without recognizing the dangerous principle, that a subversion of the supreme authority dissolved the whole social compact, and vitiated all transactions between man and man.

The royalists murmured at the apparent harsh-

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ness of this denial of expected redress. They bitterly termed the Act of Indemnity and Oblivion an act of "indemnity for the King's enemies, and "of oblivion for his friends;" and declared that it "made the enemies to the constitution masters, in "effect, of the booty of three nations, bating the "crown and church lands, all which they might "now call their own; while those who stood up "for the laws were abandoned to the comfort of "an irreparable but honourable ruin."*

The high station and known influence of the Chancellor exposed him to bear the brunt of such taunts and complaints. Those who murmured at the ingratitude of the King, conceived a deadly hate against his minister: and thus were the seeds sown of that hostility which eventually became so formidable. This hostility gained force and bitterness from his subsequent firm and honourable adherence to the great principles of the Act of Indemnity. After the dissolution of the Convention Parliament, a design was mooted of repealing the Act of Indemnity, and re-enacting it with other provisions. But the King, by the advice of his Minister, refused to countenance such proceedings—and "the Earl of Clarendon," says Burnet, "owned it was his counsel. Acts, or promises of indemnity, he thought, ought to be held "sacred: a fidelity in the observation of them "was the only foundation upon which any govern-

* This was the language of a pamphlet by Roger L'Estrange, published about the close of 1660. Kennet, 233. Somers' Tracts, vii. 517. 337.

“ment could hope to quiet seditions or civil wars:
 “and if people once thought that those promises
 “were only made to deceive them, without an in-
 “tention to observe them religiously, they would
 “never, for the future, hearken to any treaty.
 “He often said it was the making those promises
 “had brought the King home, and it was the
 “keeping them must keep him at home. So that
 “whole work, from beginning to the end, was en-
 “tirely his.” *

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In dealing with the transactions of the usurping state, the first care of the Parliament was to restore to the crown its forfeited rights, and after preliminary discussions, reference to a committee, and an order to stay waste in crown lands, it was ordered that the King and Queen should respectively be reinstated — the latter, in the possession of her jointure, and both in the possession of “all honours, manors, lands, rents, and hereditaments, notwithstanding any sales, alienations, or dispositions made by any pretended authorities whatever.” † Royalists who had been illegally dispossessed of lands, goods, or papers, were also reinstated in the possession of them. ‡

With respect to ecclesiastical property, it appears to have been intended that a part should be settled

* Burnet, i. 282.

† Lords' Journals, June 16. 18. 29. July 16. Commons' Journals, June 8. 23. 1660.

‡ Lords' Journals, June 6. 13. 18. 20. 23. 30. July 2. 4. 9. 11. 14. 19. 23. 1660. Commons' Journals, *passim*. Among the persons so obtaining redress were Lords Ormond, Colepeper, Berkshire, Gerard Craven, and the heirs of Lord Hopton.

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for the maintenance of the inferior clergy. A circular letter was written by the King to the Bishops and Deans and Chapters, requiring them not to grant leases of impropriate tithes, till such provision was first made for vicarages or curacies, as will raise their emoluments to 80*l.* a year; and it was resolved that a Bill should be brought in, noticing in the preamble the substance of this letter, and making provisions in conformity with its recommendations.* It had also been resolved, on the preceding day, that proposals should be received from any purchasers of ecclesiastical property; “and from any of the ecclesiastical persons themselves, or from any others, touching satisfaction to be given to the purchasers of any public lands.”† It was thereby evidently intended that the Church should not get back the whole of its property — but that those who had purchased on the faith of the Parliament, before its constitution was altered by military violence, should receive some compensation.

On the 13th of September, the Parliament was adjourned: and after the King had addressed them briefly, the Chancellor gave a fuller exposition of the sentiments of the government. Adverting to the confirmation of sales, he said, “His Majesty hath not been without much thought upon the argument, and hath done much towards the accommodation of many particular

* Commons' Journals, Aug. 7.

† Commons' Journals, Aug. 6. 1660.

“ persons ; and you shall not be at your journey’s
 “ end before His Majesty will put that business,
 “ concerning sales, into such a way of despatch,
 “ that he doubts not you will find a good progress
 “ made in it before your coming together again.
 “ And I believe the persons concerned will be
 “ very much to blame if they receive not good
 “ satisfaction ; and some of you who stay in town
 “ shall be advised and consulted in that settle-
 “ ment.” *

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The result of this promise was a commission Nov. 20.
 from the Crown, not only to enquire into sales
 of church property, but to compose all differences
 between the clergy and the purchasers, requir-
 ing, in the King’s name, that all Archbishops,
 &c., will accept such reasonable conditions as shall
 be tendered to them by the commissioners in the
 behalf of such purchasers ; and that they will do
 no act to the prejudice of any purchasers, by
 granting new or concurrent leases, whereby their
 present interest or possession may be hurt, while
 the same is under deliberation, and until his
 Majesty’s pleasure be further known.† June 1. Notwith-
 standing a proclamation against forcible entry into
 any possession, temporal or ecclesiastical, acquired
 by any authority lawful or pretended (one of the first
 measures of the new reign)‡, such entries appear to
 have been extensively made ; and the arbitrating
 commissioners found that no slight amount of

* Lords’ and Commons’ Journals, Sept. 13.

† Kennet’s Register, 312.

‡ Kennet, 172.

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harsh and unfair dealing had taken place. The clergy, on resuming their possessions, appear to have acted, towards purchasers and tenants, too much on the principle of making such terms as were most profitable to themselves, without the admission of other considerations. According to Clarendon, whose wonted indulgence towards the clergy has not induced him to suppress the truth, "honest men did not fare the better" in these arrangements, but those "who offered most money were generally preferred." He adds, in palliation, that the clergy "had been very barbarously used themselves, and that had too much quenched all tenderness towards others." He also says, "that two or three unhappy instances brought scandal upon the whole church"—that money was much wanted for repairs of cathedrals and ecclesiastical residences, and that in "those ways much more of those monies which were raised by fines, were issued and expended, than what went into the private purses of them who had a right to them, and had need enough of them.* Burnet says, almost all the church leases had fallen in, and the fines raised by renewing them rose to about 1,500,000*l.* He adds, that provision was made out of this great sum for some colleges and churches, and particularly St. Paul's, and also for redeeming all the English who were slaves in Barbary. But he thinks that half ought to have

* Life of Clarendon, ii. 7—10. Fides Anglicana, 12—36. Burnet, i. 320, 321.

been applied to the augmentations of small vicarages; and proceeds to say, that "in this the Lord Clarendon was heavily charged, as having shewn that he was more the bishops' friend than the church's. It is true the law made those fines belong to the incumbents. But such an extraordinary occasion deserved that a law should have been made on purpose." "With this great accession of wealth," pursues Burnet, "there broke in upon the church a great deal of luxury and high living, on pretence of hospitality, while others made purchases and left great estates, most of which we have seen melt away. And with this overset of wealth and pomp, that came on men in the decline of their parts and age, they who were now growing into old age became lazy and negligent in all the true concerns of the church: they left preaching and writing to others, while they gave themselves up to ease and sloth."* The charge against the Chancellor for not having attempted a redistribution of the revenues of the church must be defended on these grounds;—that the law made those fines belong to the incumbents; that "the church" has no property in its collective capacity; that each incumbent in that church has an independent corporate existence, and is independently and separately endowed; that to have dispossessed any one of these independent incumbents of any portion of his endowment,

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* Burnet, i. 321.

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would, if an act of injustice and spoliation, be equally such, whether the abstracted portion were to be applied to the indemnification of the secular purchaser, or to the endowment of some other incumbent with whom in respect to compensation he had no community of interest. Moreover, if "such an extraordinary occasion deserved that a law should have been made on purpose," and if the right already given by the existing law were to be set aside, it would become a question whether such revenues should not be applied rather to the indemnification of those who had bought upon the faith of a government which, though unconstitutional, was the sole supreme government then existing, than to the endowment of those who possessed no claim of any kind. The Chancellor probably perceived that if redistribution was admitted, alienation would ensue, and the ecclesiastical property, which he wished to keep intact in ecclesiastical hands, would be diverted to lay purposes.

Church
 Govern-
 ment.

To settle the government of the church was not less difficult than to deal with its temporalities. The restoration of the ejected clergy, and the expediency and practicability of a compromise between the Episcopalian and Presbyterian parties, were important questions pressing for decision. The Anglican church government, which had never been legally abrogated, now, by the operation of law, stood, like monarchy, in the position it had occupied before the commencement of

the civil war; and the ejected ministers of that church, whose long sufferings and devotion entitled many among them to pity and respect, could now appeal not only to men's compassionate sense of justice, but to a legal claim to be restored. On the other hand, the power of the Presbyterians, many of whom were filling the places of the ejected ministers, precluded the idea of *unconditional* restoration. Their aid had been essential to the return of the King, and their zeal in his cause was thought by some to deserve the recompense of a favourable arrangement. Nor was the Parliament remiss in attempting to secure it. On the 9th of May*, a bill was read a first time confirming possession to the present incumbent in cases where the lawful incumbent was dead, or where the benefice had been legally vacated previous to presentation; and also in all other cases replacing the ejected clergy, but without giving them a right to the revenues which had accrued during their exclusion.

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But the Presbyterians expected not only to be thus invested with a legal right to retain their benefices, whenever it could be done without injustice to prior claimants, but that such a compromise should be made in matters of discipline and church government as might enable them to avail themselves conscientiously of the powers

* Commons' Journals, May 9, 1660. Kennet, 142. 12 Car. II. c. 17.

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which the law afforded. Nor did they expect a compromise on slender grounds. Charles had once accepted the Covenant, and could not, therefore, on any plea of conscience, reject an alliance with Presbyterians. In his Declaration from Breda, he had promised "liberty to tender consciences," and a willingness to confirm such indulgences by law—promises which, though vaguely expressed, were eminently susceptible of a favourable interpretation. They had intimated their assent to a modified episcopacy; and they had reason to believe that the episcopal party were not adverse to reconciliation and alliance. Nor were these hopes frustrated on the King's restoration. Presbyterian noblemen were advanced to high offices of state—ten Presbyterian divines were appointed chaplains to the King, of whom four were admitted to preach in his presence; and bishoprics were offered to some of the most eminent.* Favourable inferences were also drawn from the conduct of the King, with whom a deputation of the Presbyterian clergy had a personal interview, in June. The deputation professed their inclination to agreement with the Episcopalians; and the King expressed his gladness in hearing it, and his willingness to promote it. He added, that such union must be effected, not "by bringing one party over to the other, but by abating somewhat on both sides. "That he was inclined to see it brought to pass,

June 24.

* Clar. State Papers, iii. 722. 738. Calamy's Life of Baxter, 143. Kennet, 143, 144. Neal's Hist. of Puritans, iii. 39.

“and that he would draw them together himself:” and so gracious and satisfactory was the general tenor of his answer, that a member of the deputation “burst out into tears with joy, and could not forbear expressing what gladness this promise of “his Majesty had put into his heart.” *

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After this time the Presbyterian divines met daily at Sion College. The King had desired them to send in proposals for an adjustment, which they agreed to do, expressing a hope that proposals, with the same intent, might be offered by the Episcopal party. In a few weeks, the Presbyterians had drawn up their proposals, which they embodied in an address to the King. They objected to the extent of dioceses — to the bishops acting by officials — to their sole power of ordination, and arbitrary jurisdiction; and, in order to reform these evils, they proposed, as the groundwork of an accommodation, the scheme called Archbishop Usher’s Model, drawn up in 1641, as an expedient for the prevention of troubles then impending. It recommended, that in each rural deanery a suffragan bishop should be appointed, answering to the *chorepiscopus* of the ancient Church, holding a monthly synod of the incumbents within his district. It recommended that diocesan synods should meet yearly, or oftener, consisting of the suffragans and incumbents, presided over by the bishop of the diocese — and that a national synod,

* Kennet, 183. 187. Calamy’s Life of Baxter, 144.

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consisting of bishops, suffragans, and select clergy, should be convened, every third year, by the primate of the province — that there should be appeal from the inferior to the superior synods — and that questions should be decided by plurality of votes. Such is the outline of Usher's scheme, a scheme which, in the opinion of many divines, approached more nearly to the ascertained usage of the primitive church, and which certainly was more in harmony with the spirit of representative government.

The Presbyterians also solicited a revision of the Liturgy, and the exemption from certain ceremonies, such as bowing at the name of Jesus, kneeling at the sacrament, the use of the surplice, and the cross in baptism — observances thought by some to be superstitious and idolatrous, and which had caused many separations from the Church of England.

These proposals, offered in a tone of conciliation and entreaty, were not met in the same spirit by the episcopal divines. Usher's model was rejected, for no other assigned reason, than because it was not consistent with other of his writings. All change in the ceremony of the communion was resisted; but with respect to the other ceremonies, they deferred to the King's judgment how far "in regard to tender consciences, a liberty may be thought fit to be indulged to any." They were also "not against revising of the Liturgy by such discreet persons as his Majesty shall think fit to

“employ therein.” But they impaired the value of their concessions by declaring, in conclusion, that they were “far from believing that his Majesty’s condescending to their demands will make any difference.” On the contrary, they affirmed that such concession will sow the seeds of new differences; that they will give dissatisfaction to those who are pleased with what is already established, and “encourage unquiet spirits to make further demands* ;” a timid plea, which often, since then, has been mischievously employed as an argument against timely concessions and reforms.

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Meanwhile, the question of compromise was discussed in Parliament, and a bill “for the maintenance of the true reformed Protestant religion,” was read a second time, and committed. The first debate in committee was long and stormy †, lasting till ten at night (an hour then unusually late), and conducted in a manner little accordant with modern notions of parliamentary decorum.” The committee “sat an hour in the dark, before candles were suffered to be brought in; and then they were twice blown out; but the third time they were preserved, though with great disorder.” ‡ The result of the debate was a resolution, “that the King should be desired to convene a select number of divines, to treat concerning that affair; and the committee not to sit again till the 23d of October next.” Nevertheless, the committee sat again;

* Kennet’s Register, 200—202.

† Commons’ Journals, July 9.

‡ Parl. Hist. iv. 80.

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Declara-
tion.

but, before October, the Parliament adjourned, and no more was done till after the recess.*

During the recess, the King issued a declaration concerning ecclesiastical affairs, containing a statement of the views of his government, and the concessions which he intended to make. It was framed by the Chancellor, who, as we are told by Burnet, was favourable to concession †; and it was submitted to the Presbyterians, with a request to be informed of the alterations they required. This being done, "a day was appointed for his Majesty "to procure the declaration, as the Lord Chancellor had drawn it up, and to allow what he "liked, and alter the act upon the hearing of both "sides." At the time appointed, the King came to the Lord Chancellor's, "where were assembled "several of the ministers of state," and bishops, and several of the leading Presbyterian divines,

* Clarendon's account of the proceedings in Parliament with respect to religion is meagre and inaccurate. He says, "the business was kept "still at the committee, now and then gaining ground, and then cast "back again." "And, by degrees, the heads of that party" (Presbyterian) "grew weary of the warmth of their prosecution, which they saw "not likely to produce any notable point that they cared for. The "King desired no more than that they should do nothing; being sure "that, in a little time, he should himself do the work best. And so, "in September, when he adjourned them, he took notice that they had "offered him no advice towards the composing the dissensions in reli- "gion, and therefore he would try, in that short adjournment of the "Parliament, what he could do towards it himself." (Life of Clarendon, i. 470.) It would be well if this intimation of the King's insincerity could be thought as inaccurate as the statements which precede and follow it. The passage relating to the committee conveys the notion of long, frequent, and fluctuating discussions, whereas the committee met only on two successive Mondays in July, and was then adjourned till near the end of October. Secondly, no such expression as Clarendon has mentioned appears in the King's Speech at the adjournment, though something similar may be found in the speech of the Lord Chancellor.

† Burnet, i. 305.

among whom were Calamy, Reynolds, and Baxter. Much discussion ensued, and "when the whole " was perused," says Calamy, "the Lord Chancellor drew out another paper, intimating that " the King had likewise been petitioned by the " Independents and Anabaptists for liberty, and " therefore he read an additional part of the Declaration to this purpose, that *others also* be " permitted to meet for religious worship, so be it " they do it not to the disturbance of the peace."* The broad principles of general toleration announced in this passage, and strictly accordant with the Declaration from Breda, were not in accordance with the feelings of the parties who met for an object of which toleration was the essence. In that age intolerance was the rule, and a relaxation of that rule was to be regarded as a favour. Yet the Presbyterians, as is admitted by Calamy, seem to have felt that " they should be " represented as grossly partial in desiring liberty " themselves, while they would have no others " have it with them†;" and Baxter, the most prominent advocate of their claims, endeavoured to save them in this dilemma, by promptly suggesting an ingenious distinction. Sects might be divided into *tolerables* and *intolerables*. For the former class, which included themselves, they humbly craved just lenity and favour; but for the latter, comprising Socinians and Papists, they would not

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* Calamy's Life of Baxter, 154.

† Ibid. 154.

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solicit any indulgence.* He did not say in which class Independents and Anabaptists were to be placed; but as, in consequence of his opposition, the clause allowing exercise of *worship* was omitted, and a promise substituted that none should be disturbed for difference of *opinion*, we must infer that, in the judgment of the meeting, presbyterianism alone was to be considered *tolerable*, and all others dissenting from the Church of England were to be placed in the *intolerable* class. This illiberality was discreditable to both parties, and particularly to the Presbyterians. Men who maintain an uncompromising rule, and boldly reject all non-conformity, are, perhaps, more commendable than those, who, acknowledging a more liberal principle, are unwilling to apply it to a greater extent than is immediately conducive to their own advantage. The meeting dispersed, having agreed in all material points, save one, namely, whether such as were ordained by Presbyters only should be instituted by the Bishops, a ceremony deemed requisite by the Lord Chancellor, in order to invest them with a right to tithe. †

The Declaration.

After having been referred, for consideration, to two Bishops, Morley and Hinchman, and two Presbyterians, Calamy and Reynolds, on the third

* Kennet, 280. Calamy, Life of Baxter, 155.

† Bishop Morley proposed, as a remedy, "an hypothetical or conditional ordinance by a Bishop, which implies not a nullity, but only an uncertainty, together with an illegality of their former pretended ordination, which, if it were good, the after ordination is a nullity; but if it were not good, then the super-ordination is necessary." See Morley's Letter to Lauder, Oct. 23. 1660, Vol. III. p. 110.

day from that of the meeting at Worcester House the Declaration came forth.* This important manifesto, from the hand of the Lord Chancellor, after commending the Church of England as "the best fence against Popery," extolled the moderation of many of the Presbyterians, adverted to a previous intention of calling together a synod of divines soon after the Restoration, and stated that it was laid aside in consequence of the dissentious spirit then prevailing, and because "the mischiefs under which the Church and State at present suffer do not result from any avowed doctrine or conclusion," but from the passions and interests of particular persons. It set forth that, on all essential points, the two parties cordially agree, alike approving of Episcopacy and a Liturgy, and alike disapproving of sacrilege and alienation of the revenues of the Church. It spoke of episcopacy as the best support of religion, but not as subsisting *jure divino*, or incapable of modification, but as an institution subordinate to the civil power, and which, "the essence and foundation being still preserved," should be amenable to such changes as might keep it in harmony with whatever alterations the civil government may undergo. It spoke of episcopacy also as entitled to support, because "established by law," and because it is "an aristocratical government in the Church," most agreeable to monarchical institutions. It then announced the modifications of episcopacy to

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* Oct. 25. 1660.

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which the King intended to assent. It promised to provide that the Bishops be frequent preachers, and “that they do very often preach themselves “in some church of their diocese, except they be “hindered by sickness, or other bodily infirmities, “or some other justifiable occasion, which shall “not be thought justifiable if it be frequent;” words incompatible with the notion that parliamentary duties, distant from the diocese, during a considerable portion of the year, should ever form part of the functions of a Bishop. It admitted, too, that the extent of some of the dioceses is excessive, and promised the appointment of such a number of suffragan bishops as may be sufficient for the service of the church. It promised to provide numerous checks to the arbitrary exercise of episcopal authority: Bishops might not censure or ordain without the advice and assistance of Presbyters, nor might their chancellors or officials have jurisdiction over the ministry, nor might archdeacons act without the advice of six ministers at least: deans and chapters, with an equal number of Presbyters elected annually by the clergy, should also assist at all ordinations and other acts of spiritual jurisdiction; and there the Bishop should act not singly, but as the president of an ecclesiastical board: the Liturgy should be revised by an equal number of divines of both persuasions; and, until such revision was completed, none should be punished for declining to use it; neither should any be compelled to kneel at the Sacrament, to bow at the name of Jesus, to use the

cross in baptism, or to wear the surplice, except in the royal chapel, and cathedral, and collegiate churches. Subscription to the Thirty-nine Articles and the oath of canonical obedience, were not to be required for ordination, institution, or induction, or for degrees at the Universities. A dispensing power was also assumed in the promised protection against forfeiture of benefice, under the statute of 13 Eliz., if the incumbent “declare his assent to “all the articles of religion, which only concern “the confession of the true Christian faith, and “the doctrine of the Sacrament;” and, finally, it renewed the Declaration from Breda, that no person shall be disquieted for differences of opinion in matters of religion which do not disturb the peace of the kingdom.*

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The Declaration pleased the Presbyterians. Baxter, on the day of its publication, being asked by the Chancellor if he would accept a bishoprick, replied that, if asked that question a day sooner, he must have answered in the negative; but that the publication of such a paper changed his feelings; and if the matter of that Declaration were passed into a law, his scruples might cease to exist. Reynolds was already satisfied, and accepted the bishoprick of Norwich; and Baxter and Calamy, though declining such preferment for themselves (as did also three others), were pleased that Reynolds should be thus promoted.†

But the Presbyterians were reasonably unwilling

* Kennet, 289—293.

† Kennet, 295. Calamy's Life of Baxter, 155.

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to depend on the future decision of the promised synod. They required a speedy settlement, under the sanction of the Parliament; and, on the first day of its re-assembling, a Committee was appointed to frame a Bill which should embody the substance of the Declaration.* The Bill was read a first time on 28th of November, and moved to be read a second time; but the second reading was rejected by 183 to 157, after a long debate, in which Broderick and Morrice spoke against it; and in the following month the Convention Parliament was dissolved. Thus were the expectations of the Presbyterians disappointed, and in a manner which, considering the quarter from whence opposition had come, caused a reasonable distrust of the sincerity of the Court: and they could now rest their hopes only on the decisions of the promised synod, and the possible favour of the next Parliament.

* The most distinguished member of the Committee was Matthew Hale, then serjeant-at-law; and, on the day after the appointment of the Committee, raised to the situation of Chief Baron of the Exchequer. I see no reason to admit the motive assigned by Dr. Lingard for this most creditable appointment, and to suppose that the selection of a man of eminent fitness for one of the highest legal situations was suddenly determined by the wish to remove a single member from the House of Commons. If such was the object, it was not immediately effected; for Hale's name appears in the Journals as a member of a Committee on the 15th of November, though his appointment took place on the 7th. Nor can we conceive that such removal, if it had been immediate, would have materially affected the fate of the measure. The Committee proceeded, the bill was brought in, and was rejected by a majority of 28 in a House of 340 members. It is surely attributing far too much to the persuasive influence of *one* person, to suppose that his presence could have much diminished this majority; far less that it could secure the success of the rejected measure.

CHAP. III.

TRIAL OF THE REGICIDES. — EXECUTIONS. — EXHUMATIONS. — DISSOLUTION OF THE CONVENTION PARLIAMENT. — ADDRESS OF THE SPEAKER. — HYDE'S SPEECHES. — VENNER'S PLOT. — ITS CONSEQUENCES. — SECRET MARRIAGE OF ANNE HYDE AND THE DUKE OF YORK. — CONDUCT OF HYDE. — OF THE DUKE OF YORK. — BERKELEY'S CALUMNIES. — EXPOSED AND PARDONED. — MARRIAGE ACKNOWLEDGED. — HYDE IS CREATED A BARON. — AFTERWARDS CREATED EARL OF CLARENDON. — ACCEPTS A GRANT OF MONEY. — DECLINES AN OFFER OF CROWN LANDS. — REJECTS ORMOND'S PROPOSITION.

1660—1661.

DURING the recess of Parliament, which was adjourned from the 13th of September to the 6th of November, the excepted persons were brought to trial, and twenty-eight who were in custody, and against whom true bills were found, were arraigned before a court of thirty-four commissioners, at the Old Bailey.* This court comprised men of various parties, even some respecting whom Scroop (one of the prisoners) could, with truth, say, “ If I have been misled, I see many faces, at this time, that were misled as well as myself.”† Monk, Montague, Say, Hollis, Manchester, Robartes, Atkins, Tyrrel, and Ashley Cooper, men who, though promoters of the Restoration, had been also supporters of

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Trial of the
Regicides.

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* Kennet's Register, 274.

† Ibid. 276

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the usurping government, now sat in judgment by the side of the royalist companions of Charles's exile. None of the prisoners pleaded guilty, save Waller and Fleetwood. Many of them gloried in their crime, especially Harrison, Peters, Carew, Clements, Scroop, and Scot.* Axtell refused to be tried by God and his country; "for," said he, "God is not locally here;" and several others could not, without remonstrances, be induced to plead. All were found guilty, and received sentence of death, but only ten were adjudged to suffer. Of these, Harrison, Scroop, Clements, Scot, Carew, and Jones had signed the regicide warrant. Cook had acted as counsel against Charles. Hacker and Axtell had commanded the guard; and Hugh Peters was selected as a vehement instigator, who, though he had never participated officially in the regicide proceedings, had been powerfully instrumental. Their conduct at the scaffold was as that of martyrs, fearless of death, and glorying in the cause for which they were to suffer.† Yet such was the revulsion of public feeling, such the detestation of their of-

* Harrison's language was that of heated enthusiasm. "As to the blood of the King," he said, "I have not, in the least, any guilt lying upon me, for I have, many a time, sought the Lord, with tears, to know whether I had done amiss in it, but was rather confirmed that the thing was more of God than of men." Kennet, 276.

† "I went out to Charing Cross," says Pepys, "to see Major-General Harrison hanged, drawn, and quartered, which was done there, he looking as cheerful as any man could do in that condition. He was presently cut down, and his head and heart shown to the people, at which there were great shouts of joy. It is said that he said that he was sure to come shortly at the right hand of Christ, to judge them that now judged him." Pepys, i. 146.

fence, that their magnanimity seems to have obtained for them no sympathy; and the populace shouted at the brutalising completion of the sentence on traitors.*

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These executions were followed by a display of vindictiveness at once puerile and revolting. The lion does not prey on carcasses; and it had been well if the majesty of the state had not stooped from its dignity to war with the dead. But King, Lords, and Commons judged otherwise. The cravings of unsatiated vengeance, and the exigencies of public example, were deemed to demand a desecration of the tomb. By order of the legislature, the bodies of Cromwell, Ireton, and Bradshaw, were exhumed, torn from their coffins, dragged to Tyburn, hanged on a gallows, afterwards decapitated, the bodies thrown into a pit, and the heads fixed on Westminster Hall. †

* Evelyn, ii. 156.

† Pepys records the circumstance of his wife and a female friend having gone to witness the disgusting spectacle at Tyburn (i. 173.), and Evelyn's maudlin spirit of misdirected piety finds a vent in the following ejaculations:—"This day (O the stupendious and inscrutable judgments of God!) were the carcasses of those arch-rebells, Cromwell, Bradshaw, the judge who condemned his Majestic, and Ireton, sonn-in-law to the usurper, dragg'd out of their superb tombs in Westminster, among the Kings, to Tyburne, and hang'd on the gallows there from nine in the morning till six at night, and then buried under that fatal and ignominious monument, in a deepe pit; thousands of people, who had seene them in all their pride, being spectators. Looke back at Nov. 22. 1658 (Oliver's funeral), and be astonish'd! and feare God, and honour the King; but meddle not with them who are given to change!" (Evelyn, ii. 162.) This presumptuous dabbler in judgments, who lived to witness the long permitted sway of the grossest profligacy, and the final expulsion of the house of Stuart, might have learnt before the close of his career that the judgments of God are indeed "inscrutable," and therefore not to be employed to sanction the ephemeral fantasies of a partisan.

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Parliament
dissolved.

Parliament was dissolved on the 29th of December, by the King in person. The Commons were summoned to his presence; and the Speaker, Sir Harbottle Grimstone, previous to the presentation of numerous Bills, delivered a speech, which with an adulation almost Eastern mingled the quaint conceits of the pedantic age of James I. "Your tenures *in capite*," said the Speaker to the King, "are not only turned into a tenure in soccage, (though that alone will ever give your Majesty a just right and title to the labour of our ploughs, and the sweat of our brows,) but they are likewise turned into a tenure *in corde*."—"Royal Sir!" pursued the courtly organ of the lower House, "you have denied us nothing we have asked this Parliament; indeed, you have outdone your Parliament, by doing much more for us than we could agree among ourselves to ask, and, therefore, must needs be a happy Parliament. This is a healing Parliament; a reconciling, peace-making Parliament; a blessed Parliament; a Parliament *propter excellentiam*, that may truly be called *Parliamentissimum Parliamentum*." Charles dismissed what he entreated might be for ever called "the healing and blessed Parliament," in a gracious Speech, ascribing "the good disposition and security they were in to that happy Act of Indemnity and Oblivion," and promising to make the opinion of future Parliaments the rule whereby to test his actions; and the Lord Chancellor followed, in a long and politic address.

Of the speeches delivered by the Lord Chancellor in this Parliament no reports are extant, except of two delivered by him; the one on the adjournment, in September, the other on the dissolution, in December, and which are preserved in the Journals of the House of Lords. They are official manifestos, conveying more agreeably, familiarly, and diffusively, but with scarcely less vagueness of expression, than the King's Speech of the present day, the exposition of those sentiments which it was the policy of the Government to profess. Neither of these speeches is very explicit in adverting to pending or prospective measures. A tone of conciliation is the prevailing characteristic. It was, apparently, their chief object to soothe and pacify, and to establish a good understanding with the Parliament, without compromising the King. The judicious tone in which he alluded to the army has been noticed already. With similar policy, and in a frank and cordial tone, did he advert to a clause in the Bill of Indemnity forbidding the revival of past differences by the application of party names. "The King is a suitor to you," he said to the Parliament, "that you will join with him in restoring the whole nation to its primitive temper and integrity; to its old good manners, its old good humour, and its old good nature, — good nature, a virtue so peculiar to you, that it can be translated into no other language, and hardly practised by any other people; and that you will, by

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“ your example, by the candour of your conversation, by your precepts, and by your practice, and by all your interest, teach your neighbours and your friends how to pay a full obedience to this clause of the statute, how to learn this excellent art of forgetfulness.” He also added, with reference to the outward symbols of sectarianism, “ But, my Lords and Gentlemen, whilst we conspire together to execute faithfully this part of the Bill, to put all old names and terms of distinction into utter oblivion, let us not find new names and terms to keep up the same, or a worse distinction. If the old reproaches of *Cavalier*, and *Roundhead*, and *Malignant*, be committed to the grave, let us not find more significant and better words to signify worse things. Let not piety and godliness grow into terms of reproach, and distinguish between the court, and the city, and the country; and let not piety and godliness be measured by a morosity of manners, an affectation of gesture, a new mode and tone of speaking; at least, let not our constitutions and compliances make us be thought of a contrary party; and, because we have not an affected austerity in our looks, that we have not piety in our hearts. Very merry men have been very godly men; and if a good conscience be a continual feast, there is no reason but men may be very merry at it.” *
 He who uttered this good advice discerned the

* Parl. Hist. iv. 126, 127.

lamentable effect (more deeply felt at a subsequent period) of that re-action which, inasmuch as austerity had been the garb of republicanism, now attempted to associate loyalty with profligate excesses. Had Charles been a model of purity and decorum, some effect of such re-action could scarcely have been prevented: but, when to be unlike the Republicans was to be like the King, and when practical approval of the conduct of the Sovereign might be exhibited in vicious licence, we cannot wonder at the demoralization which so extensively ensued. A partial corrective to this unavoidable evil was that which the Chancellor wisely recommended — an abandonment, on the part of the sectarians and ancient adherents to the Commonwealth, of those outward signs of austerity and dissent which provoked excess in the opposite party, and kept alive contaminating distinctions.

Unfortunately, the conduct of a few enthusiasts tended to strengthen the impression that religious zeal was incompatible with the order and tranquillity of the country, and to countenance measures affecting severely and unjustly the condition of all sectarians. The Lord Chancellor, in his speech, in December, adverted to the known existence of disaffection among the disbanded military *; that their plots extended to the re-establishment of a republic; that risings were meditated in the North, in the West, and in the capital. Ludlow was to head the insurgents; they were to

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* See Sir O. Bridgman's Letter to Nicholas, Vol. III. 116.

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seize the person of Monk, and carry, by surprise, Windsor Castle and the Tower of London. The plot was discovered, the risings were frustrated, and suspected ringleaders, such as Overton, Desborough, and others, were secured.

Venner's
insurrec-
tion.

The menaced danger seemed to be arrested by those timely measures, when, all at once, a small band of enthusiasts, under an obscure leader, plunged the country into fresh alarm. Parliament was dissolved; and the King had gone from London, in company with his mother and sister, to Portsmouth. Nothing seemed likely to disturb tranquillity,

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when, on Sunday, the 6th of January, the City trained bands were hastily called together to oppose a determined handful of armed fanatics, who had suddenly appeared, calling themselves the soldiers of King Jesus, and vowing never to sheathe the sword till his kingdom should be made triumphant, and till the powers of the world become a hissing and a curse. These men, in number about sixty, were led by Venner, a wine-cooper, a zealot returned from New England, a Millenarian, who preached the opinions of that sect in a conventicle in Coleman Street. Believing that Jesus was their invisible leader, and that, under divine aid, "one should subdue a thousand, and two put ten thousand to flight," these fierce enthusiasts attacked the city military with a desperate courage, the success of which increased their fanatical presumption, and caused their opponents to think that they were a portion

of a larger body, who were prepared to rise and join them. The alarm spread to Whitehall; and the Duke of York, and Monk, with part of his regiment of Guards, marched in to the assistance of the city troops. But the Millenarians avoided further conflict by retiring, first to St. John's Wood, and thence to Caen Wood, near Hampstead, whither Sir Thomas Sandys, with a detachment of the Guards, pursued them in vain. A compulsory retreat, and a cessation of two days, did not cool their desperate courage. With a strange temerity, they re-appeared in London on the morning of the 9th, and divided themselves into two parties, one of which, led by Venner, and shouting, "The King Jesus!" went straight to the Mansion House, intending to seize the Lord Mayor. The citizens were panic-stricken, and the number of the insurgents was thought to be at least 500.* Venner and his party forced their way to the Mansion House, where, not finding the intended victim, they marched into Wood Street, where they defended themselves, with skill and courage, against the trained bands and a troop of horse. They did not give way till Venner fell, severely wounded, and two of their leading men were killed; and then, retreating in good order, and firing on the troops as they retired, they

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* Pepys, who walked to the Exchange armed with sword and pistol, says, he found "every body in arms at the doors; the streets full of "Train Bands; the shops shut, and all things in trouble." Pepys, i. 168, 169.

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 III. dislodged, nor could they be captured, till the
 1661. soldiers untiled the roof, and fired in upon them,
 while another detachment assailed them from
 below. The other division of the insurgents was
 met in Little Eastcheap by the trained bands, and
 dispersed, with difficulty, after an obstinate resist-
 ance to superior numbers. Twenty-two were
 killed, several of whom refused quarter; a few
 escaped; the rest were taken; but not till many
 of their opponents had fallen in the conflict.
 Twenty of the insurgents, being all those who
 were not so dangerously wounded as to be unable
 to appear in court, were tried, and sixteen * found
 guilty, of whom fourteen suffered the sentence of
 the law. †

The desperate violence of sixty fanatics, who
 had conceived the insane project of subduing by
 force, not only England but the whole world, and
 had destined half their little band for conquest in
 the East, and the other half to subdue the West,
 would have deserved, we should now think, to be
 regarded only as an ebullition of madness, and
 could have led to no important political results.
 But the known disaffection of the disbanded
 soldiers, the reasonable inference that a few men
 would not thus have risen unless encouraged by

* Dr. Lingard, whose accuracy is usually remarkable, has confounded
 the number convicted with the number taken. xii. 30.

† Life of Clarendon, i. 474. 477. Kennet, 355, 356. 361—363.
 Pepys, i. 167—170. 172. Burnet, i. 272. Echard, 794. State Trials,
 vi. 103—119.

the hope of extensive assistance, and sad experience of the serious outrage which could be effected, even by a few, concurred to give an undue importance to this event.

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The first consequence was a proclamation infringing on the indulgence to tender consciences promised in the Declaration from Breda, and forbidding in private houses all meetings for worship, which comprised more than the inmates.* The next consequence was the adoption of a measure unimportant in its immediate effects, but important as a precedent, and as such unfavourably regarded by the friends of freedom. A pretext was afforded for the first establishment of a standing army in time of peace. At the Council, called immediately after the insurrection, the Duke of York proposed “that they should write to his Majesty, and desire him to stop the disbanding the several troops of horse guards, and the regiment of foot which were to have been paid off that day, and that he would rather think of raising more men for the security of his person and government.”† Clarendon states the resolution of the Council to have gone no further than to suspend the disbanding of Monk’s regiment of foot, as a guard for the King’s person, “which no man at that time thought to be more than was necessary.”‡ If the whole

* Kennet’s Register, 357.

† Life of James, i. 390.

‡ Life of Clarendon, i. 477.

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army were disbanded, the King's sole military protection would consist of the yeomen of the guard and the gentlemen pensioners; and those who had so lately seen how indispensable was the aid of the regular troops in subduing Venner and his associates, felt that, if this protection was removed, the royal person would, in the event of another rising, be exposed to greater peril than a loyal subject could willingly contemplate. But the Lord Chancellor does not appear to have intended more than a suitable provision for the safety of the King. He seems to have opposed the Duke of York's project of engrafting upon this event the establishment of a large military force; to have incurred the displeasure of that steady supporter of arbitrary councils; and to have been honoured with censure, which is to be viewed only in the light of eulogy. In consequence, probably, of opposition from the Lord Chancellor, the plan of armament proposed by the Duke, and assented to by the King, was not immediately effected in its full extent. But Monk's foot regiment, called the Coldstream, and a regiment of horse were retained, and a third regiment was formed out of troops which were brought from Dunkirk.*

This little force was the foundation of that standing army which has never since been laid aside, and has grown to a magnitude which, if our

* Life of Clarendon, i. 477. Life of James, i. 390, 391. Kennet, 381. Grose's Military Antiquities, i. 989., ii. 297. Ludlow, iii. 93.

colonial possessions had been less extensive, and Ireland had been less subjected to the government of the sword, might have been rendered unnecessary by our insular position.*

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Another important but less apparent and immediate consequence of Venner's insurrection was the encouragement of a hostile feeling against all Non-conformists. The excited public included under its comprehensive ban even those who dissented but slightly from the Church of England, and who, except dissent, had nothing in common with enthusiasts like Venner. The peaceful and rational portion of this extensive and heterogeneous body was unfairly associated with turbulence and sedition. The almost incredible daring of a few fanatics raised fearful anticipations of their possible achievements; and a pretext was afforded for the indulgence of that persecuting spirit, which the cowardly and illiberal seek to justify under the name of precaution. Unhappily, too, it occurred at a time when the Convention Parliament having been recently dissolved, the people were about to proceed to the election of another Parliament, to which were to be submitted the adjustment of religious differences, and the accomplishment of the professions of the Declaration from Breda. This subject will be resumed when the proceedings of that Parliament are de-

* Our standing army amounted to 5000 during Clarendon's administration. In 1684 it had risen to 8000, exclusive of the forces in Ireland. In 1717 the forces voted by Parliament were 16,000. At the conclusion of the American war they amounted to 40,000.

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1660.

Marriage
of Anne
Hyde and
the Duke of
York.

scribed. In the mean time, other circumstances must engage our previous attention.

An event occurred in the autumn of 1660, which, while calculated to gratify the ambition of the Chancellor, alarmed him with prospects of the envy it might excite.* While his daughter, Anne, was in the household of the Princess of Orange, and during a visit of the Princess to the Queen, her mother, at Paris, an attachment had sprung up between Anne and the Duke of York; an attachment, inspired rather by her charms of mind and manner than by the personal beauty with which she was but sparingly endowed. The result of this attachment was a secret contract, at Breda, on the 24th of November, 1659; and they were afterwards secretly married, according to the rites of the English Church, on the 3d of September, 1660, in time to legitimatise their first child, born on the 22d of the following month. The secret marriage was solemnised at Worcester House, then the residence of the Lord Chancellor, by Dr. Crowther, a clergyman of the Church of England, chaplain to James, and in the presence of Lord Ossory (who gave away the bride), and another witness, her maid servant.† Subsequently to the Restoration, and previously to the birth of the child, the Duke of York is said to have informed the King of his attachment to Anne Hyde, of their contract, and of her pregnancy; and to have besought permission that he might marry her pub-

* Kennet's Register, 382.

† Ibid. 381. Life of James II., i. 387.

licly. Charles, perplexed by the intelligence and request, sent for Ormond and Southampton, repeated to them what the Duke had said, and desired them, before any further discussion in his presence, to communicate the same to the Chancellor. The Chancellor was summoned, and came; and Ormond (the King being not then present) told him, "that the Duke of York had owned a great affection for his daughter to the King, and that he much doubted that she was with child by the Duke, and that the King required the advice of them, and of him, what he was to do."*

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The conduct of the Chancellor on this occasion does not appear to have been either amiable or dignified. According to his own statement, he allowed the feelings of the subject to supersede the more natural emotions of a father. "He broke out," as he tells us, "into a very immoderate passion against the wickedness of his daughter;" said, in coarse terms, he had rather she should be the Duke's mistress than his wife; shed floods of tears, and hoped her presumption, in aspiring to a Royal alliance, might be punished by being sent instantly to the Tower; and that he would consent to an Act of Parliament "for the cutting off her head." These ravings, which made his friend Southampton say of him, in the King's presence, "that he was mad, and had proposed such extravagant things, that he was no more to be con-

* Life of Clarendon, i. 378.

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“sulted with,” were deliberately recorded by Lord Clarendon, ten years after the event.* This strange confession is equally perplexing in whatever manner we endeavour to account for it. It is a representation quite at variance with the “great caution and circumspection” with which, as we are told, on the authority of James, “the Lord Chancellor did his part to soften the King in that matter, which, in every respect, seemed so much for his own advantage.”† That it is a faithful record is scarcely probable; for the Chancellor, by his own account, must have been too much inflamed with passion to have remembered accurately what was said by himself, or by others, on that occasion. But, though we do not know, with certainty, how he acted, we can do him no injustice in regarding, as his actual conduct, that which he wished us to regard as such. No hypothesis but that of candour can render creditable such a wish. He might believe he had so acted in a moment of agitation, and regard for truth might compel him to confess it; but this supposition will not serve to reflect any credit on Lord Clarendon, unless it can appear that he wrote under the painful consciousness of having acted in a manner which he had reason to regret. But no such consciousness is apparent. On the contrary, he writes

* The learned editor of Burnet has allowed himself to describe Lord Clarendon’s conduct on this occasion as “worthy of an ancient Roman.” (Burnet’s Own Times, i. 286. note.) Perhaps it was; but not when taken, as the editor intended, in a laudatory sense. It is such injudicious praise of Clarendon’s weaknesses which has provoked much bitter censure, and unjust denial of his real merits.

† Life of James I., i. 287.

as though unconscious that he had acted otherwise than as a good father, and a loyal subject, might very excusably have acted, under the strong influence of a just indignation. There are some who treat this strange confession as an unblushing record of over-acted hypocrisy. Over-acted, truly! and even if there had been hypocrisy in the conduct, hypocrisy in the *confession* is still inexplicable. Had he been penning a public vindication, with a view to recover lost favour, to dispel jealousy by disclaiming the wish of having aspired to a Royal alliance, and, by this show of past disinterestedness, to reinstate himself in power, such artifice, though clumsy, might, at least, be intelligible. But this confession occurs in a confidential memoir, intituled (with the prefixed date, "Moulins, June 8. 1672."), "Reflections upon "the most material Passages which happened after "the King's Restoration to the Time of the Chancellor's Banishment; out of which *his Children*, "for whose *Information they are only collected*, "may add some important Passages to his Life, as "the true Cause of his Misfortunes."* No worldly advantage to himself could be expected to accrue from what he was thus writing. Let it be remembered, too, that at this period Charles had no prospect of legitimate issue, and that the probable successor was that Royal son-in-law whom Clarendon was likely not to propitiate, but rather to offend, by these coarse records of unseemly passion.

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1661.

* Life of Clarendon, i. 313.

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1660.

Sept. 23.

The King appeased the violence of the Chancellor, who contented himself with secluding his daughter from society, in order to prevent all further interviews between her and the Duke of York, — an attempt which, he admits, had been rendered unsuccessful by those who “knew that they were married.”* No communication took place on this subject for a considerable time, between the Chancellor and the Duke of York. Their demeanour in public bore the semblance of mutual good will; but only once (according to Clarendon) did the Duke advert to this affair; when, being on the point of departure to meet the Princess of Orange on the Kentish coast, he promised, on his return, to give him full satisfaction; and desired him, in the mean time, “not to be offended with his daughter.”† He soon returned; but the promised “full satisfaction” was not made. On the contrary, his conduct was marked by a reserve towards the Chancellor more rigid than before. The Princess of Orange

* Life of Clarendon, i. 382. Kennet quotes the following story, as related by Locke, in his *Memoirs of Shaftesbury*:—“Soon after the Restoration of King Charles II., the Earl of Southampton and Sir Anthony Ashley Cooper, having dined together at the Chancellor’s, as they were returning home, Sir A. said to my Lord Southampton, ‘Yonder Mrs. Anne Hyde is certainly married to one of the ‘Brothers.’ The Earl, who was a friend to the Chancellor, treated this as a chimæra, and asked him, how so wild a fancy could get into his head. ‘Assure yourself (replied he), it is so. A concealed respect (however suppressed) showed itself so plainly in the looks, voice, and manner, wherewith her mother carved to her, or offered her of every dish, that it is impossible but it must be so.’ My Lord S., who thought it a groundless conceit then, was not long after convinced, by the Duke of York’s owning of her, that Lord Ashley was no bad guesser.” Kennet’s Register, 381.

† Life of Clarendon, i. 383.

the Queen Mother, and the enemies of the Chancellor, concurred in condemning this unequal alliance.* The Princess, though she had been fond of Anne, could not brook the elevation of one whom she had so recently treated as a dependant. The Queen Mother wrote angry letters, and hastened her intended visit to England, in order to repeat her expostulations in person. The foes of the Chancellor were also busy; and James, assailed in various quarters, appears to have wavered in his resolution, and narrowly escaped a course of conduct which would have marked his character with perpetual infamy. He allowed such symptoms of vacillation and discontent to become manifest to Sir Charles Berkeley, as served to encourage that profligate favourite in the belief that, by furnishing a pretext for a breach of contract, he should be rendering to the Duke an acceptable service. The

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* Lord Dartmouth, in one of those notes which are introduced in the Oxford edition (1823) of Burnet's Own Times, in which he rarely omits an opportunity of showing his enmity to Clarendon, says of Anne Hyde, "Her marriage with the Duke created great uneasiness in the Royal Family. The Princess Royal could little bear the giving place to one she thought she had honoured very much in having admitted into her service, and avoided being in a room with her as much as she could; and the Duke of Gloucester never could be prevailed upon to show her any sort of civility. My grandfather (who loved him the best of all his old master's children) told him, he feared it might prove prejudicial to him, if the King should die without children. The Duke said he believed it was not so prudent; but she smelt so strong of her father's green bag, that he could not get the better of himself, whenever he had the misfortune to be in her presence." Burnet's Own Times, i. 291. note.

As the Duke of Gloucester was reported to be ill of the smallpox on the 5th of September, 1660, of which he died on the 13th (see Pepys, i. 138.), and the secret marriage of the Duke of York was not solemnised till the 3d, nor acknowledged till long afterwards, the advice of Lord Dartmouth's prudent grandfather must have been tendered rather prematurely.

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result was one of the most audacious and disgraceful plots of which an example can be supplied, even by that period of the lowest moral debasement of English society. Berkeley, after various insinuations against the reputation of Anne Hyde, being pressed by the Duke to be more explicit, offered to satisfy him by the corroborating testimony of several others; and he invited the Duke to hear the statements which they were ready to make in his presence. Accordingly, as had been agreed, Lord Arran, Jermyn, Talbot, and Killigrew,—“tous gens d'honneur,” says the complaisant author of the *Memoirs of Grammont*, “mais qui preferoient infiniment celui du Duc de York à celui de Mademoiselle Hyde,”—met to detail their false accusations. Lord Arran, Talbot, and Jermyn, deposed to familiarities, and tricked out their evidence with minute and ludicrous details, such as of romping in the Chancellor's private room during his absence, and upsetting his inkstand over a voluminous despatch. Killigrew asserted actual and repeated criminalities, but with a daring disregard of probability, which seems to have opened the Duke's eyes, and laid bare the infamous plot. He thanked them for the frankness of their disclosures, and imposed silence for the future. Then, dismissing the confederates, he went straight to the King, with whom he had a long interview; after which he desired Lord Ossory and Sir Charles Berkeley to meet him, in an hour, at the Chancellor's house. Thither they went, wondering at the chosen place of meeting.

“ Ils trouvèrent à l’heure marquée, son Altesse
 “ dans la chambre de Mademoiselle Hyde. Ses CHAP.
III.
 “ yeux paroisoient mouillés de quelques larmes, 1660.
 “ qu’elle s’efforçoit de retenir. Le Chancelier,
 “ appuyé contre la muraille, leur parut bouffi de
 “ quelque chose. Ils ne doutèrent point que ce
 “ ne fût de rage et de désespoir. Le Duc d’York
 “ leur dit, de cet air content et serein dont on an-
 “ nonce les bonnes nouvelles: ‘ Comme vous êtes
 “ ‘ les deux hommes de la Cour que j’estime le
 “ ‘ plus, je veux que vous ayez les premiers l’hon-
 “ ‘ neur de saluer la Duchesse d’York. La
 “ ‘ voilà.’ ” The next day the news was made
 public.

Such is the relation given by Hamilton * ; and
 it differs, in some respects, from that of Clarendon.
 That which is, by Hamilton, so dramatically com-
 pressed into a single interview, is spread by Cla-
 rendon over a larger space. The latter too names
 no libeller but Berkeley ; makes Berkeley offer to
 the Duke to marry Anne himself, and represents
 James as influenced in his intention of denying
 the marriage, not only by Berkeley’s statements,
 but by the injunctions of the Queen. He de-
 scribes the éclaircissement as follows : — “ As,
 “ before the discovery of this engagement of the
 “ Duke’s affection, the Duke of Gloucester had died
 “ of the smallpox, to the extraordinary grief of the
 “ King, and the whole kingdom ; so, at this time,
 “ it pleased God to visit the Princess Royal with
 “ the same disease, and of which she died within a

* Mémoires de Grammont, p. 142—147.

CHAP. III. 1660. “ few days, having, in her last agonies, expressed
 “ a dislike of the proceedings in that affair, to
 “ which she had contributed too much. The
 “ Duke himself grew melancholic and dispirited,
 “ and cared not for company, nor those divertise-
 “ ments in which he formerly delighted ; which
 “ was observed by every body, and which, in the
 “ end, wrought so far upon the conscience of the
 “ lewd informer, that he (Sir Charles Berkeley)
 “ came to the Duke, and clearly declared to him,
 “ that the general discourse of men, of what incon-
 “ venience and mischief, if not absolute ruin, such
 “ a marriage would be to his Royal Highness, had
 “ prevailed with him to use all the power he had
 “ to dissuade him from it ; and when he found he
 “ could not prevail with him, he had formed that
 “ accusation, which he presumed could not but
 “ produce the effect he wished ; which he now con-
 “ fessed to be false, and without the least ground ;
 “ and that he was very confident of her virtue.” *
 There is reason to believe that Clarendon’s fal-
 lacious memory has given a more favourable view
 of the conduct of Berkeley, of whom he speaks
 with such just severity, and whom he had such
 reason to abhor, than truth will sanction, and than
 is given by the friendly Hamilton. The friendly
 memorialist makes Berkeley’s confederates unmask
 themselves ; the hostile historian exhibits Berkeley
 touched with compunction at the sight of James’s
 grief, and unburdening his conscience by a full

* Life of Clarendon, i. 392,

confession. But Clarendon's accuracy, and Berkeley's vindication, are both shaken by a reference to dates. Evelyn, in his Diary, speaks of the marriage of the Chancellor's daughter being newly owned, and of having "kissed her hand, as did "also my Lord Chamberlain (Manchester) and "Countess of Northumberland *," on December 22d 1660, *two days before* the death of the Princess of Orange, which caused that melancholy in the Duke which, "in the end, wrought upon "the conscience" of Sir Charles Berkeley. We must, therefore, take Lord Clarendon's statement only as a proof that, in his inaccuracies, he sometimes deviated on the lenient side.

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The Duchess was informed of the calumnies against her, and generously pardoned those who had uttered them, and never exhibited any symptom of resentment. So far her conduct merits approval; but if it is true (as we are told by Hamilton) that she never alluded to the past but to praise the *zeal* of those unmanly libellers, and to tell them, that nothing marks more plainly the self-devotion of an *honest man* than to lie, (or, as he delicately expresses it, "de prendre un peu sur "sa probité,") to serve the interests of a master or a friend † — if it is true (as we are told by Clarendon) that James, on receiving the acknowledgment of a base attempt to blacken the character of the woman he loved, and to whom he was already married, rewarded the loathsome confession by *em-*

* Evelyn, ii. 159.

† Mémoires de Grammont, 148.

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bracing the libeller, and solemnly promising "that he should not suffer in the least degree in his own affection, for what had proceeded so absolutely from his good will to him*," we must turn with disgust from such grovelling dereliction of principle, such pitiable perversion of the plainest rules of morality. Clarendon, however, does not record his daughter's conduct so degradingly as Hamilton. He says: "The Duke had brought Sir Charles Berkeley to the Duchess, at whose feet he had cast himself, with all the acknowledgment and penitence he could express; and she, according to the command of the Duke, accepted his submission, and promised to forget the offence. He came likewise to the Chancellor, with those professions which he could easily make; and the other was obliged to receive him civilly."† The Queen Mother was the last to be reconciled to this marriage.‡ She had been very violent, saying, "that whenever that woman should be brought into Whitehall by one door, her Majesty would go out of it by another door, and never come into it again."§ Suddenly, and without apparent reason, she changed

* Life of Clarendon, i. 393.

† Ibid. i. 397.

‡ The following short letter, from Charles II. to Hyde, is extant in the British Museum. (Lansdowne MSS., 1236.)

"Thursday morning.

"My brother hath spoken with the Queen, yesterday, concerning the owning of his son; and, in much passion, she told him, that from the time he did any such thing, she would never see his face more. I would be glad to see you before you go to the Parliament, that I may advise with you what is to be done; for my brother tells me, he will do whatever I please. C. R."

Superscribed, "For the Chancellor."

§ Life of Clarendon, i. 394.

her manner, and consented to receive the Duchess, and acknowledge her as a daughter; and, on the day before the Queen's return to France, the Duke brought his wife into her presence, for the first time; and "the Queen," says Pepys, "is said to receive her now with much respect and love." *

Monk had been created Duke of Albemarle, and Montague Earl of Sandwich, ere any honours had been conferred on Hyde, that more faithful and deserving servant of the Crown, except his confirmation in the office of Lord Chancellor, with which he had been previously invested. No elevation could be less objectionable than that of the Lord Chancellor to a seat in that House in which he presided by virtue of his office; and the King, from the time of his restoration, frequently offered to make him a Baron, telling him, "he was assured by many of the Lords that it was most necessary for his service in the Parliament." † But Hyde declined to accept that honour so soon after the King's return, wisely judging that an early display of avidity for distinctions, among the companions of the King's exile, might tend to create a dangerous jealousy in his new adherents. Hyde therefore declined the peerage, promising to accept it at some future time, when affairs might wear a more settled aspect, and the emoluments of

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1661.

Jan. 1.
1661.

Honours
conferred
on Hyde.

* Pepys, i. 166. Evelyn, ii. 160. The cause of this change in the Queen is attributed, by Clarendon, to an intimation from Mazarin, "that she would not receive a good welcome in France, if she left her sons in her displeasure; and professed an animosity against those ministers who were most trusted by the King."

† Life of Clarendon, i. 385.

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his office should have rendered him more able to support the dignity of the peerage. In the autumn, circumstances occurred which rendered seasonable and right any mark of Royal favour: the Duke of York's marriage came to light: Hyde's daughter was assailed by the calumnies of Berkeley: Hyde's enemies gloried in his expected fall: the Princess of Orange was in England, furious at the prospective elevation of one who had been in her household; and the Queen was coming over, eager to prevent the contamination of royalty by this unequal alliance. It was a fitting time to show that the King did not entertain such feelings, or impute artifice and collusion to the father of Anne Hyde: and Charles, on quitting London, about the end of October, to meet the Queen, and escort her to his capital*, again offered to create Hyde a Baron. In the King's absence the offer was made, through the Attorney-General, who, if Hyde should accept it, was charged to prepare the patent against the King's return. Hyde assented, saying, that "the King's manner of proceeding, and the conjuncture in which this honour was given, though he had before refused it with obstinacy, made it now very agreeable to him."† The patent was signed by the King on the 3d of November‡; and on the 6th, the Lord Chancellor took his

* Pepys says, "I observed this night (Nov. 2.) very few bonfires in the City—not above three in all—for the Queen's coming; whereby I guess that (as I believed before,) her coming do please but very few." Pepys, i. 154.

† Life of Clarendon, i. 386.

‡ Dugdale's Baronage, ii. 478.

seat in the House of Lords, as Baron Hyde, of Hindon.*

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1661.

Created
Earl of
Clarendon.
April 20.

A further dignity was conferred at the time of the coronation, in April, 1661. In honour of that event, some commoners were raised to the peerage, and three Barons to the dignity of Earls, among whom was Hyde, created Viscount Cornbury and Earl of Clarendon.† This dignity appears to have been conferred at the request of the Duke of York, and as such accepted by the Chancellor. The Duke, a few months before, had proposed him to the King for a vacant knighthood of the Garter, and, with the King's consent, had offered it to him; but the Chancellor declined the offer, on the ground of the discontent it was likely to create, saying, that "there were very many "worthy men who well remembered him of their "own condition, when he first entered into his "father's service, and believed that he was advanced too much before them‡;" and he re-

* "The Lord Chamberlain signified to the House, That it hath pleased his Majesty to confer the honour of Peerage upon the Lord Chancellor. Upon this, the House appointed the Lord Great Chamberlain, the Lord Robartes, and the Lord Hatton, without their robes (there having been no robes used this Parliament), to introduce his Lordship, who, taking the Great Seal into his arms, went from the woollack, between the said Lords, below the bar; and Garter King of Arms going before with the patent; and, having made three obeisances before they came within the bar, his Lordship came up and laid his patent (bearing date the third day of this instant November) upon the chair of state, kneeling; from whence it was taken and delivered to the Clerk of the Parliament to be read; which being accordingly done, his Lordship was placed upon the Baron's seat, as youngest Baron, being created Baron of Hyndon, and afterwards placed, as Lord Chancellor, according to the statute; and, having sat a very little while, took his place again on the woollack, as Speaker." Lords' Journals, Nov. 8. 1660.

† Kennet, 488.

‡ Life of Clarendon, i. 411.

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III.

1661.

commended that the Earl of Lindsay, then Lord Chamberlain, should have the Garter in his stead. Charles attended to this recommendation; but the Duke was offended, and told the Chancellor, he saw "he would not accept any honour from the King that proceeded from his mediation." This the Chancellor denied; and, to soothe his angry and mortified son-in-law, promised that never, but through his mediation, would he receive any favour from the King. James said he would put him to the test; and, at the approaching coronation, requested an earldom, which, after a conference with Ormond and Southampton, the Chancellor accepted.*

The King had displayed his bounty to the Chancellor, about the time of his elevation to the peerage, by the gift of 20,000*l.*, which was accepted†, and by the more considerable offer of a grant of 10,000 acres of crown land, — an offer made through Ormond, soon after the Restoration, which the Chancellor most honourably declined. He pointed out a better appropriation of the property, if the King were determined to alienate it from himself; — namely, to the Dukes of York and Gloucester, both of whom were without income; adding, that "it was the principal part, or obligation, of his office, to dissuade the King from making any grants of such a nature (except when the necessity or convenience was very notorious), and even to

* Life of Clarendon, i. 410—414.

† Ibid. i. 385.

“ stop those which should be made of that kind,
 “ and not to suffer them to pass the seal, till he
 “ had again waited upon the King, and informed
 “ him of the evil consequence of these grants ;
 “ which discharge of his duty could not but raise
 “ him many enemies, who should not have that
 “ advantage to say, that he obstructed the King’s
 “ bounty towards other men, when he made it
 “ very profuse towards himself.” *

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 III.
 1661.

A remarkable proposal was made by Ormond, with the concurrence, as he stated, of other friends of the Lord Chancellor ; — namely, that resigning the office of Chancellor, which, by occupying his time with judicial business, diminished his political efficiency, and his power and opportunities of directing the King, he should assume ostensibly the character of Prime Minister, which he already virtually held. The Lord Chancellor did not entertain the proposal favourably. He objected to the creation of a new office, obnoxious both from its novelty, and from the addition it would cause to the expenses of the state. He questioned the utility of applying himself more closely to the task of directing the King ; arguing, that the appearance of a desire to govern him would be unwelcome alike to the sovereign and to the people ; and that England “ would not bear a favourite, “ nor any one man who should, out of his ambition, engross to himself the disposal of the public “ affairs.” He reminded Ormond how little his

* Life of Clarendon, i. 408.

CHAP. interposition, during the years of exile, had been
III effectual in counteracting the evil tendencies of
1661. the King's nature; how little he was able to instil
prudence when the voice of circumstances pleaded
with him; and how little Charles was disposed
“to regulate his expenses, even when he was
“absolutely without supply.” He added, with a
just estimate of that fickle character, that “the
“confidence the King had in him, besides the
“assurance he had of his integrity and industry,
“proceeded more from his aversion to be troubled
“with the intricacies of his affairs, than from any
“violence of affection, which was not so fixed in
“his nature as to be like to transport him to any
“one person;” and that, however serviceable he
might render himself, he must not depend upon
a continuance of the King's favour: others might
always gain credit with him, by finding fault with
what was done; “it being one of his Majesty's
“greatest infirmities, that he was apt to think too
“well of men at the first or second sight.” *

* Life of Clarendon, i. 414. *et seq.*

CHAP. IV.

AFFAIRS OF SCOTLAND.—CLARENDON'S INFLUENCE.—LAUDERDALE.—ENGLISH GARRISONS WITHDRAWN.—RE-ESTABLISHMENT OF EPISCOPACY.—SHARP—HIS COMMUNICATIONS WITH CLARENDON.—TRIAL AND EXECUTION OF ARGYLE.—AFFAIRS OF IRELAND.—DIFFICULTIES ATTENDING THE SETTLEMENT OF PROPERTY.—VARIOUS CLAIMANTS.—KING'S DECLARATION.—APPOINTMENT OF LORDS JUSTICES, AND OF COMMISSIONERS.—OTHER COMMISSIONERS ARE APPOINTED.—OPPOSITION OF THE IRISH PARLIAMENT.—CLARENDON URGES ORMOND TO SUPPORT THE COMMISSIONERS.—ACT OF SETTLEMENT.

1660—1664.

THE re-establishment of the King's authority in Scotland and in Ireland demands attention, before we follow further the progress of affairs in England, under the administration of Lord Clarendon. The state of those countries is not a theme foreign from the history of his administration; for he exercised a perceptible influence on the general policy which was pursued with regard to each; and it is known that he participated in the direction of some important measures which immediately concerned them. He was instrumental in the formation of the government of Scotland*, es-

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1660.

* The Scottish Government consisted of the Earl of Middleton, Lord Commissioner; Earl of Glencarne, Lord Chancellor; Earl of Rothes, President of the Council; Earl of Crawford, Lord Treasurer; and Earl of Lauderdale, Secretary of State. Subordinate to these in dignity, but holding an important and influential office, was Sir Archibald Primrose, Lord Register.

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1660.

pecially in the appointment of the Earl of Middleton to the post of Lord Commissioner, — a post which Middleton obtained rather in reward for his gallantry, loyalty, and military services, than in consideration of peculiar fitness. He is said by Burnet to have been the author of the advice, that a council on Scottish affairs might regularly sit in London, to which all Scotch privy counsellors should be admitted, with the addition of six English,—a proposition which, by Clarendon himself, is approvingly attributed to the Lord Commissioner and some of his colleagues.*

This proposition was opposed by Lauderdale; but it was adopted, and, for a while, maintained. It had its origin, probably, in distrust of Scotland, and recollection of the source from whence former troubles ostensibly flowed. It was beneficial, as tending to ensure regularity in matters of administration, and admission to some of those advantages which Scotland afterwards derived from a stricter union of the two kingdoms. The ills attending it were, its unpopularity in Scotland; the tendency to render that country rather a province than an independent kingdom; the chance that measures might be viewed too much with reference to English interests; and that local interests, and grievances of a partial and minor character, might not receive sufficient attention.

It may here be mentioned (since it will not be necessary to advert again to the affairs of Scot-

* Burnet's Own Times, i. 190. Life of Clarendon, i. 429.

land), that the influence of Lauderdale, the original opposer of this plan, caused it, at length, to be set aside: and his tyrannical conduct, when freed from the restraint of English colleagues, and the frightful misgovernment which ensued, tend much to justify the opposite system, previously proposed and enforced by Clarendon.

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1660.

Clarendon and Lauderdale were at variance on two other important points. The first of these was, whether the English garrisons should be withdrawn from the citadels established by Cromwell at Leith, Perth, Ayr, and Inverness, and the citadels dismantled. Clarendon, at first, opposed the plan, actuated (according to Burnet) by distrust of the Scotch, and a wish to retain them under military subjection; or, as it appears from a letter of Sharp to Primrose, in compliance with the wishes of the English Parliament; and through fear lest, if thwarted in this respect, the Commons should be unwilling to grant supplies.* Lauderdale advised the removal of this badge of odious ascendancy. The King concurred with Lauderdale in opinion; and the garrisons were withdrawn, and the fortifications demolished.†

English
garrisons
withdrawn.

The other important point of difference regarded the steps which should be taken for re-establishing Episcopacy. Lauderdale represented its unpopu-

Re-esta-
blishment
of Epis-
copacy.

* Burnet, i. 183. See Sharp's Letter to Primrose, vol. iii. p. 132. Mackenzie's Hist. Scotland, 24.

† Life of Clarendon, i. 440. Burnet, i. 188. Baillie's Letters, ii. 451—454.

CHAP. larity in Scotland, and the danger of a hasty
 IV. attempt to introduce it; and wished that the
 1660. Scotch Government should be restrained from
 mooting that question. Clarendon wished that
 Middleton and his colleagues should be sent to
 Scotland, with authority to pursue such methods
 for promoting the cause of Episcopacy as, in
 their discretion, they might think fit. This ad-
 vice prevailed: Middleton and others concurred
 with Clarendon; and it was agreed that, at the
 earliest opportunity, Episcopacy should be re-
 stored.*

Middleton, who was regarded as the *protégé* of
 Clarendon, and whose past services constituted his
 title to preferment, was peculiarly ill qualified to
 reclaim gently to a former faith the minds of a
 moral and decorous people. He, Rothes, and
 other of his friends, made themselves contemptible
 by the open practice of the grossest debauchery.
 Even the council-board was disgraced by ex-
 hibitions of drunkenness; and legislative Acts
 were passed by men whose visible condition re-
 duced them to the level of the brute. No wonder
 that (as we are told by Bishop Burnet) such con-
 duct "laid in all men's minds a new prejudice
 "against Episcopacy; for they who could not
 "examine into the nature of things were apt to
 "take an ill opinion of every change in religion
 "that was brought about by such bad instru-
 "ments." †

* Life of Clarendon, i. 140. Burnet, i. 188. Baillies's Letters, ii.
 451. 454.

† Burnet, i. 194.

Under such auspices the Parliament was opened at Edinburgh; and many Acts were passed, in quick succession, condemning resistance, and supporting the prerogative. No remonstrance ensued, till it was proposed that all persons holding office should take an oath of allegiance, acknowledging the King to be "supreme Governor over all persons, and *in all cases.*" This comprehensive acknowledgment seemed to confer *spiritual* supremacy: and when the Presbyterians petitioned that, in order to obviate misconstruction, the words might be altered to "supreme civil governor," this reasonable request was peremptorily refused. A measure even more exorbitant was soon proposed by Middleton and his colleagues, — not less than a Bill to rescind all the proceedings of the Scottish Parliaments since 1633! including Parliaments which had been sanctioned by Charles I., and by the present King. Such was the influence of the Government, that this measure was passed by a large majority; and the Scotch Kirk was again at the mercy of the Crown. Such was truly its situation; for Scotland was not included in the Declaration from Breda. Partly from a supine confidence in the strength of Presbyterianism, and its power to obtain good terms eventually, partly through intolerant dislike of the indulgence to tender consciences promised from Breda to the English people, the Scotch had neglected to obtain such conditions as would have saved them from the re-introduction of a form of religion which they abhorred.

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IV.
1660.
January 1.

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1661.

In the course of the autumn, after the adjournment of Parliament, Middleton, who saw in Episcopacy a means of strengthening his own authority, and Sharp, who coveted the Archbishopric of St. Andrew's, laboured to persuade the King and Clarendon that the time was propitious for the revival of Episcopacy, and that the people would receive it without repugnance. Other applicants for preferment corroborated these representations; and the Privy Council of Scotland, to whom the matter was referred, reported that such change would give general satisfaction. Armed with such sanction, Clarendon, not unnaturally, advised a measure which his principles had predisposed him to approve; and the re-introduction of Episcopacy was finally resolved. The manner of proceeding appears, according to Sharp's account, to have been suggested by him in an interview with Lord Clarendon. "He (Lord Clarendon) spoke to me," said Sharp, in a letter to Middleton, of May 28. 1661, "of the method to be usit for bringing about our Church settlement, and bid me give my opinion of a present expedient, which, when I had offered, he was pleased to approve. So did the Bishops of London and Worcester; and, after consultation with our Lords, it was agreed that Lauderdale and I should draw a proclamation from the King, to be sent to your Grace, with which, I trust, you will be satisfied; and, with submission to your Grace's opinion, I should think the time for

“ our settling will be more seasonable and proper
 “ after that your Grace hath come hither, and so
 “ ordered the way of it, as that the perfecting of
 “ the work may be upon your hand, from whom it
 “ had its beginning, and under whose countenance
 “ and protection it must thryve and take root-
 “ ing.” *

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 IV.
 1661.

Sharp's advice was adopted. The intention to restore Episcopacy was not announced by proclamation till September; and all meetings of synods and presbyteries were then forbidden.

In the selection of Bishops for Scotland, Clarendon showed a laudable desire to proceed with caution, and to appoint such men as would be temperate and conciliatory; but he appears, in so doing, to have trusted too much to the suggestions of Sharp, in whom self-interest was the ruling principle. The English Bishops, disliking all whom they considered tainted with Presbyterianism, wished to appoint exclusively from among the emigrant episcopal clergy: but Sharp represented that these old Episcopalians, ignorant of Scotland through long absence, and irritated by ill usage, would produce confusion by their rash intemperance. “ This,” says Burnet, “ prevailed with the Earl of Clarendon; and he, doubting not that Sharp would pursue that in which he seemed so zealous and hot, and carry things with great moderation, persuaded the Bishops of

* *Archæologia Scotica*, vol. ii. part i. 103.

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IV.
1661.

“ England to leave the management of that matter wholly to him.” * Sharp, thus favoured by Clarendon, obtained for himself the Archbishopric of St. Andrew’s, and the power of appointing the other Bishops, who, after receiving ordination in London, at the hands of Sheldon, were publicly received in Edinburgh in the ensuing May. All ministers were ordered, under pain of deprivation, to receive collation from their respective Bishops; and the murmuring, but unresisting, nation found itself once more under the episcopal yoke. †

Trial of
Argyle.

Scotland was undefended by conditions, not only with respect to its church, but also with respect to indemnity to offenders. This was soon practically evinced. Terror was to be struck by the punishment of some great culprit, and the chosen victim was the Marquis of Argyle. He had repaired to London, soon after the Restoration, to welcome the return of Charles. He was, nevertheless, committed to the Tower, charged with manifold treasons, including participation in the trial of Charles I.; and, after a time, he was sent back to be tried in Scotland,—a proceeding which only placed him more fully under the power of his enemies. He demanded and obtained the benefit of the indemnity granted at Stirling; and thus the charge was limited to offences since 1650, the chief of which were, treasonable language, the

* Burnet, i. 226.

† Burnet, i. 222—249. Baillie’s Letters, ii. 459—461. Woodrow, i. 96—116.

acceptance of a grant from Oliver Cromwell, and having sat and voted in the Parliament of Richard. Surrounded as he was by bitter foes, his condemnation still seemed doubtful; when Monk, his former associate and correspondent, infamously sealed his fate, by despatching to Middleton some of Argyle's private letters, which arrived only just in time to be read before the trial was ended, and which produced a verdict against him.* Argyle, had attempted to obtain Clarendon's intercession, intimating that he could "communicate some-
" what that would highly concern his Majesty's
" service." † A letter is extant ‡, which must have been written not long before his trial, for it is directed to the Lord Chancellor, under his new title of Earl of Clarendon. It entreats Clarendon's good offices, professes loyalty, and alleges past services in general terms, referring for vindication to the representations of his son. What part was taken by Clarendon in this affair does not appear; but he is addressed by Argyle as one whose disposition was believed to be lenient, and from whose intercession succour might be hoped. But his foes in Scotland allowed no time for an appeal to the King's mercy; and within forty-eight hours from the passing of a sentence, which immediately resulted from the treacherous instrumentality of a former confederate, Argyle was

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* Burnet, i. 212. Baillie, ii. 451. M'Kenzie, Hist. of Scotland, 34—47. Cunningham, Hist. Great Britain, i. 13.

† Life of Clarendon, i. 433.

‡ Vol. III. p. 129.

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Affairs of
Ireland.

beheaded. Two other victims, Guthrie, an influential minister of the Kirk, and Govan, an officer of the army, filled the sum of executions which the Government deemed requisite for the purposes of expiation and of warning.*

The settlement of Ireland presented serious difficulties. Intricate and conflicting claims required adjustment; and the available means were very insufficient for the satisfaction of all demands. Some measures were easily effected, — such as the restoration of Church lands, the re-establishment of Episcopacy, and the restitution, by Act of Parliament, of forfeited estates to Ormond, Inchiquin, and other loyal servants of the Crown. But the general settlement of landed property was an affair of serious complexity. Claimants, either of whom it was dangerous to disoblige, were often arrayed against each other; and often did equity and humanity conflict with the imperative voice of engagements, oppressive in their tendency, but valid in their form.

The actual possessors, who claimed confirmation

* Burnet, i. 213—216. Baillie, ii. 446, 447, 452, 453. Woodrow, i. 68. Clarendon's account of these circumstances glaringly proves how very inaccurate was the recollection which he sometimes retained of past events. More error has seldom, if ever, been exhibited in a single page of any thing purporting to be "History." He states that Argyle, on the day of his condemnation, was hanged on a gallows of unusual height; that, not Guthrie, but Gillespie, his colleague (who was pardoned), underwent the same fate; and that these two were the only victims. (Life of Clarendon, ii. 266.) After such a proof of gross inaccuracy in the statement of notorious facts, it would be absurd to rely on his authority with respect to other transactions connected with Scotland, or to quote him, except in corroboration of the statements of others.

of their titles, were the military and the "adventurers." The former, consisting of the principal members of the late Government, headed by the Presidents of Munster and Connaught (Lord Broghill and Sir Charles Coote), having tendered allegiance to Charles, and placed Ireland in his hands, sent over Commissioners, after the Restoration, for the ostensible purpose of making requisitions respecting the settlement of the King's authority, the courts of justice, the execution of the laws, the disposal of the army, and such other matters as were purely of a public nature. But the object they had more at heart, was to promote the private interests of those by whom they had been delegated; and they brought a present of money to the King, to make their application more effectual.

Delegates were also sent by the adventurers*, petitioning that either their rights, which had been settled by an Act of Parliament, ratified by Charles I., before the troubles, might not be disturbed; or that, if dispossessed of the land they now held, they might first be put in possession of other lands of equal value. The "adventurers" were persons who had advanced money to the State before the commencement of the civil war, receiving in return assignments of forfeited lands in Ireland, at a specified rate, in proportion to the amount of their subscriptions. This compact was confirmed by statute.† The Parliament soon

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* Life of Clarendon, i. 443.

† 17 Car. I.

CHAP. afterwards employed the same method for raising
 IV. money, and called for a second subscription, grant-
 1661. ing, under an Act called the "*Doubling Act*," to
 all who advanced an additional fourth on the
 original sum subscribed, lands double in amount of
 the first and second subscriptions. To this was
 added the fraudulent and oppressive condition,
 that, if the original subscriber refused to advance
 an additional fourth, he forfeited his subscription;
 and any other person who advanced it in his
 stead might stand in his place, and receive the
 benefit of the whole. Much use was made of
 Ireland, under the Commonwealth, as a reser-
 voir to the exhausted treasury; 7,708,237 statute
 acres, (being almost half the profitable lands in
 that country), were declared to be forfeited *;
 and, in order that these lands might be avail-
 able for "adventurers" and soldiers, the Irish,
 by an arbitrary measure, which was called "An
 Act of Grace," were transplanted across the
 Shannon into the desolate province of Connaught,
 and forbidden to return on pain of death.† An
 immense tract of country was then available for
 the expenses of the Commonwealth; and the army,
 in lieu of pay, received assignments of land to a
 considerable extent.

To the military and adventurers, who desired
 to be confirmed in their present possessions, nu-
 merous petitions were opposed. There was a

* See Lingard, Hist. xii. 74., quoting Grace's Memoirs of the Family
 of Grace.

† Life of Clarendon, i. 451.

much aggrieved class, the adventurers (or their heirs), who, having refused to make a second advance, had been deprived of the benefit of their subscription. There were officers who had served in the army of Charles I., and to whom arrears of pay were still due—Protestants whose lands had been forfeited as the punishment of their loyalty—Roman Catholics who claimed the benefit of the peace and indemnity concluded with Lord Ormond, and a reward for their subsequent military services, under the present King and his brother, in Flanders—the unhappy Irish transplanted into Connaught, who had been compelled to accept what it would have been mockery to term an equivalent. To these were added the complicated claims arising from the contested lands having been the subject of mortgage, bequest, or settlement; the claims of creditors who could not recover, of heirs whose freeholds were forfeited through the delinquency of a tenant for life, and of widows who had lost their jointures. All these classes of petitioners addressed to the Crown applications not only complicated and conflicting, but such that, as it is expressed by Clarendon, “if all Ireland could be sold at its full value, and find a fit purchaser to disburse the sum, it could not yield half enough to satisfy half their demands.” “And yet,” he adds, “the King was not in a condition positively to deny any one party that which they desired.”* “Almost all these petitioners,” said Clarendon,

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* Life of Clarendon, i. 461.

CHAP. “ were agreed in one unhappy extreme — their im-
 IV. “ placable malice to the Irish ; insomuch as they
 1661. “ concurred in their desire, that they might gain
 “ nothing by the King’s return.” “ And though
 “ *eradication* was too foul a word to be uttered in
 “ the ears of a Christian prince, yet it was little
 “ less or better that they proposed in other words,
 “ and hoped to obtain ; whereas the King thought
 “ that miserable people to be as worthy of his
 “ favour as most of the other parties ; and that his
 “ honour, justice, and policy, as far as they were
 “ unrestrained by laws and contracts, obliged him
 “ more to preserve them, at least as much as he
 “ could. And yet it can hardly be believed how
 “ few men, in all other points very reasonable, and
 “ who were far from cruelty in their nature, che-
 “ rished that inclination in the King.” *

Nov. 30.
 1660.

With a view to pacify, for a time, the contend-
 ing claimants, the King published a Declaration,
 containing the outline of a proposed plan for the
 settlement of property in Ireland. It provided
 that the adventurers and soldiers, or persons de-
 riving their titles from them, should be either con-
 firmed in possession, (except of Church lands, or
 lands unduly obtained), or receive an equivalent ;
 that claimants under the peace of 1648 should
 be similarly treated, except such as had accepted
 lands (though under compulsion) in Clare and Con-
 naught ; and that all “ innocent ” persons, of what
 sect soever, should be restored to their rightful
 estates. The “ *innocent* ” were those who had

* Life of Clarendon, i. 462.

never adhered either to the Parliament or to the confederates; but adherence was assumed on such slight grounds, and exculpation was rendered so difficult, that many were excluded from the benefit of this apparently liberal and comprehensive promise. The equivalents were to be given out of the forfeited lands still remaining at the King's disposal, of which the rental was estimated at little less than 100,000*l.* per annum *, and which were to form a fund for reprisals.

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In the Irish House of Commons, where the influence of the soldiers and adventurers prevailed, it was voted that this Declaration should be passed into a law; and the draft of a Bill, founded upon it, was laid before the King in Council, by a deputation sent to London for that purpose. By the Irish House of Lords the Declaration was regarded less favourably, and they sent four commissioners to oppose it before the Council. The Irish Catholics, at the same time, sent delegates to support their cause. These were all heard repeatedly before the Council, and much violence and recrimination ensued. The Catholics, unwisely deviating from the safe course of maintaining their claims to compassion and justice, attacked the petitioners, and recalled to mind the past treasons of the powerful parties who were now opposed to them. The massacre of the Protestants was immediately retorted, and the allusion to past treasons against the King was met by the production of a copy of instructions from the

* Carte's Life of Ormond, ii. 215—217.

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Supreme Council, in 1648, signed by one of these very delegates, offering Ireland to any Roman Catholic power that would defend them against the Parliament. These retorts naturally rebounded to the prejudice of the Catholics, and shut them out from such favourable terms as otherwise the King might probably have granted. The Bill was remodelled, and sent back to Dublin, and passed into a law. Three Lords Justices were appointed, Sir Morris Eustace, Lord Chancellor of Ireland, — Lord Broghill, created Earl of Orrery, — and Sir Charles Coote, created Earl of Montrath; and, under their superintendence, commissioners were appointed to examine in detail the claims of the several parties, and to carry into effect the provisions of the Act.

Some of the commissioners had particular interests and local connections which exposed them, perhaps justly, to the imputation of partial dealing. It was soon found expedient to pass an explanatory Bill, excluding from the office of commissioner all persons who either lived in Ireland, or had a claim to property there: and seven Englishmen were made commissioners, in the place of the former ones. But the impartiality of these latter soon became obnoxious to those powerful classes, the adventurers and the soldiers. It was necessary, on account of the limitation of time both for presenting and determining petitions from the Irish, that allegations of innocence should be investigated first. Many hundred decrees of innocence were issued ere the Commission had sat six months; and as the persons thus

decreed innocent became entitled, under the Act, to the restitution of their rightful estates, and as the adventurers and soldiers who now held them were to receive an equivalent from the fund for reprisals, it became a subject of anxious inquiry whether this fund would be sufficient. Their fears were verified. The original amount had been too largely estimated, and it was much reduced by improvident grants in augmentation of bishops' lands, and to the Dukes of York, Albemarle, and Ormond, and Lords Kingston, Orrery, Montrath, and others, — grants, many of which passed under the Great Seal of Ireland without Lord Clarendon's knowledge. Alarm was spread among the actual possessors, and every engine of opposition was set at work. The Irish House of Commons voted the proceedings of the Commissioners unjust, and pledged themselves to defend the Protestants against their decision. Thus encouraged, the Protestants formed plans of resistance. Illegal associations were made. Conspiracies were arranged for seizing the Lord Lieutenant, and surprising the Castle of Dublin, which were timely detected, and some of the conspirators punished with death. Pretended conspiracies were fabricated, and imputed to their opponents. Bribery was also tried; and Sir James Sheen was sent, as agent, with 20,000*l.*, to purchase the favour of the powerful in England. These iniquitous attempts were unsuccessful. The Government would not consent that the decrees of the Commissioners should be repealed; and Clarendon wrote urgently to Ormond,

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impressing upon him the necessity of firmness; advising that he should support the Commissioners, whom the Council treated with coldness, and the Parliament with violence; desiring that he will not countenance the intemperance of the latter; and adding, that although the King does not send orders to dissolve them, he trusts that Ormond will do it before he suffer any new indignities. "I hope," he said, in the same letter, "wise men will bethink themselves, and foresee what must be the issue of these distempers, if delays are put in the way, or affronts offered to the Commissioners. The King can easily call them away, and send them again in a sober season; and, in the mean time, what will men get by the Act of Settlement?"*

Clarendon's hope was eventually fulfilled. Many arrived at the conclusion, that factious violence would not improve the conditions of any. A majority concurred in desiring any settlement rather than a continuance of uncertainty and contention; and, accordingly, the grantees of the Crown, the Adventurers, and the soldiers, agreed to contribute a fourth of their lands, to augment the funds for reprisals. Means were thus given of satisfying a larger proportion of claimants; and another, and final, Act of Settlement was at length passed in 1665. It was a measure of extensive injustice. Officers who had served the King abroad were left uncompensated;

* See Clarendon to Ormond, Vol. III. p. 242.

and three thousand claims of innocence were set aside unexamined, and the claimants excluded from all relief. Many difficulties occurred, and much time elapsed, before the Commissioners could carry fully into effect the provisions of this Act, and complete the final settlement—a settlement which secured to Protestants almost two thirds of the profitable lands forfeited under the Commonwealth, which had amounted to more than a moiety of all the profitable lands in Ireland.*

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* It appears from a paper in the "Memoirs of the Family of Grace," a work privately printed (quoted by Dr. Lingard), that the following had been, in 1675, the disposal of the profitable lands forfeited in Ireland, under the Commonwealth, amounting to 7,708,237 statute acres:—

<i>Granted to the English.</i>		Statute Acres.
Adventurers	- - - - -	787,326
Soldiers	- - - - -	2,386,915
Officers, who claimed arrears for services under the King, before 1649	- - - - -	450,380
The Duke of York,—being a grant of all lands held by attainted Regicides	- - - - -	169,431
Provisors; <i>i. e.</i> persons in whose favour provisoes had been made in the Act	- - - - -	477,873
Duke of Ormond's and Colonel Butler's lands	- - - - -	257,516
Bishops' augmentations	- - - - -	31,596
		<hr/> 4,560,037
<i>Granted, or disposed of, to the Irish.</i>		
Decrees of innocence	- - - - -	1,176,520
Provisors	- - - - -	491,001
King's letters of restitution	- - - - -	46,398
Nominees in possession; <i>i. e.</i> Catholics, named by the King, to be restored to their mansions, and have 2000 acres of contiguous land	- - - - -	68,360
Transplantation; <i>i. e.</i> Catholics compelled, by Cromwell, to accept lands in Connaught	- - - - -	541,530
		<hr/> 2,323,809
6,883,846 acres were thus disposed of; and 824,391 acres remained unappropriated, being either parts of towns, or possessed without title, or not yet assignable on account of unsolved doubts.		



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CLARENDON'S SPEECH AT THE MEETING OF THE PARLIAMENT. — CHARACTER OF THE PARLIAMENT. — ITS PROCEEDINGS. — CORPORATION ACT. — RE-ESTABLISHMENT OF THE BISHOPS IN PARLIAMENT. — MODIFIED REVIVAL OF THE STAR-CHAMBER SUGGESTED BY A COMMITTEE OF THE HOUSE OF LORDS. — CONFIRMATION OF THE ACTS OF THE PRECEDING PARLIAMENT. — CLARENDON'S ADHERENCE TO THE ACT OF INDEMNITY. — SPEAKER'S ADDRESS AT THE PROROGATION. — PERSECUTING SPIRIT EVINCED BY THE PARLIAMENT TOWARDS EXCEPTED PERSONS. — CLARENDON'S SUPERIOR LENITY. — TRIALS OF VANE AND LAMBERT.

1661—1662.

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THE new Parliament met on the 8th of May, and was opened by the King who delivered a speech, in which he repeated, that he ascribed “the good disposition and security they were all in to the happy Act of Indemnity and Oblivion;” and announced at the same time his intended marriage with the Princess of Portugal.

The Lord Chancellor followed, in a longer address. He reminded them that their first business would be to confirm the enactments of the last Parliament. On the subject of disqualifying Acts he said, “If the present oaths have any terms or expressions in them that a tender conscience honestly makes scruple of submitting to, in God's name, let other oaths be formed in their places, as comprehensive of all those obligations which the policy of Government must exact:

“ but still let there be a yoke ; let there be an
 “ oath ; let there be some law that may be the
 “ rule to that indulgence, that, under pretence of
 “ liberty of conscience, men may not be absolved
 “ from all the obligations of law and conscience.”
 He adverted to the insurrection of Venner and his
 associates ; spoke of numerous intercepted letters
 from various counties ; and expressed his belief
 that the secret combination had been formidable
 and extensive.

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The temper of the new Parliament was such as
 rendered it expedient to remind them, rather of
 the beneficial effects of the Act of Indemnity and
 Oblivion, than of the recent ebullition of insur-
 rectionary violence. The spirit of revived loyalty
 had affected the elections in an important degree.
 Few Presbyterians were elected ; and a great ma-
 jority of the members returned were Cavaliers,
 devoted to the cause of Episcopacy and the Court.

Character
 and pro-
 ceedings
 of the
 Parliament.

Proofs of this spirit were soon exhibited.
 It was carried, by 228 to 103, that the Solemn
 League and Covenant should be burned by the
 common hangman (Secretary Morrice voting in
 the minority *) : and the Acts for erecting a
 High Court of Justice for the trial of Charles I. ;
 for declaring England to be a Commonwealth ;
 for subscribing the Engagement ; for renouncing
 the title of Charles II. ; and for the security
 of the person of the Protector, were afterwards
 ordered to be similarly treated.† An Act was

* Commons' Journals, May 17.

† Lords' Journals, May 27.

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also passed for the security of the King's person and government, which made it high treason to deprive the King of the attributes of his office, or devise him bodily harm, or declare such intention; and which rendered incapable of employment, in church or state, whoever affirmed him to be an heretic or papist, *or, by writing or speech, should cause dislike of him or of his government.* It also declared the Long Parliament to be dissolved, and the Solemn League and Covenant to be illegal; and that there is no legislative power in Parliament without the King: and it enacted the penalty of premunire against all who might assert the contrary.* The settlement of the Militia, that mighty subject of former contention, which had been in vain attempted by the Convention Parliament, was now successfully resumed: and an Act was passed, declaring the sole supreme command of the Militia, and of all forces by land and sea, to be of right in the King; and that Parliament could not lawfully levy war against the Crown. Tumultuous petitioning was interdicted by a statute, providing that no petition or address should be presented to King or Parliament by more than ten persons; nor should any petition for alteration of matters established by law be signed by more than twenty persons, without the previous sanction of three justices, or of the majority of the grand jury, or, if in London, of the Lord Mayor, aldermen, and common council.

* Parl. Hist. iv. 217. Journals, *passim.*

The Corporation Act, was passed in December, a measure still more important, and tending to weaken the power of the Presbyterians, whose strength lay chiefly in the corporate towns.* It provided that every person bearing office in a corporation should, on pain of immediate removal, take (in addition to the oath of allegiance and supremacy, and a declaration against the Solemn League and Covenant) an oath, declaring that it was not lawful, upon any pretence whatsoever, to take arms against the King; and that they did abhor that traitorous position of taking arms, by his authority, against his person, or against those commissioned by him. Moreover, none were to be elected to any such office in future who, within the year preceding the time of election, had not taken the Sacrament, according to the rites of the Church of England†; and commissioners were appointed for the execution of this Act. This was the first legislative measure, since the Restoration, having for its object the exclusion of Dissenters from civil offices, and the concentration of political power in the hands of members of the Established Church. It was the recommencement of an attempt to render the Church a state engine, and to cultivate religious peace by a galling system of exclusion, — a system, of which, after many generations had witnessed the failure,

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Dec. 20.

Corpora-
tion Act.

* It was brought into the Commons on the 19th of June 1661, where it was stoutly opposed; the division on its commitment, on the following day, being 185 to 136.

† Parl. Hist. iv. 223. 13 Car. II. sess. 2. c. 1.

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1662.
Re-estab-
lishment
of the
Bishops in
the House
of Lords.

I trust the present will behold the extinction, not only in letter but in spirit.

Another important measure of this Parliament was, the repeal of the Act which excluded the Bishops from the House of Lords; — a restoration which many contend was fraught with good, and many with evil, to the Church of England. There are questions connected with this subject, which should be seriously and calmly weighed, by every friend of our Established Church. It may be questioned, whether the imposition of political duties, not only absorbing time and attention but also requiring long absence from the diocese, does not impair the efficiency and utility of which the office of Bishop is susceptible; and whether, if his presence among the clergy of his diocese is really useful, he ought to be prevented by extraneous duties from residing among them during half the year. It may be asked if such duties do not assort ill with sacred functions, tending to involve the prelate in the unseemly violences of political contention, to impair the veneration which his character should inspire, and to remove those attributes of impartiality and charity which the Christian divine should peculiarly bear. It may be doubted, whether the annexation of political functions to a religious office must not always too much induce the Government of the day to reward, by appointment to that office, not the best religious teacher, but the most useful partisan; and whether, by such indication of political activity, as a means of clerical

advancement, the character of the clergy is not liable to be lowered; and whether it is well, either for them, or for those of whom they are the religious teachers, that they should be thus tempted to apply to secular purposes the best energies of that immortal spirit which they have devoted to a sacred calling. It may be questioned, if the imputation of subserviency is not a necessary consequence of the character of political expectant which attaches to the position of the Bishop in Parliament; and, if such imputation, even though unjust, does not render the Bishops unpopular as a body, impair their means of doing good, and thereby become a source of weakness to the Established Church. It may be asked if the plea, that the Bishops are required in Parliament to represent the clergy, is not futile and unsound; and if the clergy, being electors, are not, (with the sole exception of their being unable to elect one of their own body), as fairly represented in the House of Commons as any other part of the community*;

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* The principle, that *professions* should be represented in the House of Commons, is not recognised. Electors do not vote in a *professional* capacity; nor can those who are of the same profession ever vote together in such numbers as to secure the election of one of their own body: therefore the inability of the clergy to choose a *clerical* representative cannot fairly be considered a grievance. The ineligibility of the clergy, long doubtful, was settled by statute, in 1801; whether wisely, may still be doubted. No argument, founded on the inexpediency of the clergy taking a part in secular affairs, can be maintained, while the Bishops sit in the House of Lords: and of the Parliamentary decisions on this subject, in 1553, 1620, and 1662, the two former assign, as a reason for the exclusion of the clergyman from the House of Commons, that he "had a voice in the Convocation-House," an objection no longer applicable: and all three cases belong to a time when the clergy taxed themselves.

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if they are, entitled, beyond any other class or profession, to have separate representation in the House of Lords; if, granting such to be the case, they ought to be represented by those who are nominees of the Crown, and expectants of its favour; and if, in any case, the Bishops can, with propriety, be called the representatives of those with whom they have not, in *all* respects, a common interest, and who have neither voice in their appointment, nor power to remove or even to control them. It may be asked, whether the possession of temporal power appears to have been a source of strength to other churches in past times, and in other countries; and whether we may infer, by analogy, that it is calculated to be such to ours.

These are questions which those friends of the Church who feel that it is menaced with danger, and who are not intent *solely* on danger *from without*, should calmly and earnestly consider,—calmly, as men who search for truth, and would exclude all party bias, — and earnestly, as men who are deeply sensible of the great importance of the point to be decided. If they decide that it had been better if that Act of Charles II., which restored the Bishops to their seats in Parliament, had not been passed, other grave questions will then arise;—whether the supposed evil could be repaired by the repeal of that measure *now*; and whether, any material alteration could thus be effected, either in public feeling or in the cha-

racter of the institution, of which the advantages would be commensurate with the disadvantages attendant on so great a change; whether the abolition of an important privilege of great antiquity, sanctioned by undisturbed possession of more than 170 years, would shake the security of other institutions defensible on the score of their intrinsic utility; and whether the accomplishment of such a measure would raise a flame throughout the land, of which the immediate injury to religious peace would outweigh the eventual benefit.

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This important Bill, bearing for title, "A Bill for Repeal of an Act of Parliament, intituled "An Act for disabling all Persons in Holy Orders to exercise any temporal Jurisdiction or Authority," was introduced early in the session, and quickly passed through both Houses. It was read in the Commons a first time on the 1st of June, and a third time on the 13th. On that same day it was carried up to the Lords, when it passed through all its stages with remarkable rapidity. It was read a first time on the 14th, a second time on the 15th, when it was also committed, and on the 18th it was finally passed.*

* Lords' Journals, June 14, 15, 18, 1661. The account given by Lord Clarendon, who was present, is so strangely at variance with the unquestionable statements of the "Journals," that, considering the improbability of wilful falsehood when the detection was easy, and the object not apparent, I am inclined to suppose that his fallacious memory led him to assign to this Bill circumstances connected with some other. He says, "it was taken notice of in the House, that after the first reading of that Bill it had been put off for a second reading longer than was usual, when the House was at so much leisure; and that, now it was under commitment, it was obstructed there, notwith-

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Another measure, affecting the Church, was also passed, with equal ease, in the early part of this session, and received the Royal Assent in December—the Bill for restoring Ecclesiastical jurisdiction in all respects, except the Court of High Commission, and the power of administering an oath *ex officio*.

Jan. 24.
 1662.

Feb. 12.

Another extinct engine of former despotism, associated in our minds with the Court of High Commission, was regarded with a degree of favour not creditable to the House of Lords. A committee of that House, appointed to prepare a Bill for repealing all Acts of the Long Parliament, and re-enacting such as were approved, reported, that they were of opinion, “That it was fit for the good
 “ of the nation that there be a court of like nature
 “ to the late court called the Star Chamber, but
 “ desired the advice and directions of the Houses
 “ on these particulars following:—Who should be
 “ judges? What matters should they be judges of?
 “ By what manner of proceedings should they
 “ act?”* The House did not give any directions, but left the Committee to proceed as they pleased; and nothing more on that subject appears to have been done. The Committee, from whom this opinion emanated, was very numerous, con-

“ standing all the endeavours some Lords of the Committee could use
 “ for the despatch:” and we have then a full and very detailed account of this delay being intentional, mixed up with reported conversations between the King, the Chancellor, and the Earl of Bristol. (Life of Clarendon, ii. 100—103.)

* Lords' Journals, Feb. 12. 1661.

sisting of forty-two temporal Peers, and eight Bishops. Among its most distinguished members were the Dukes of Albemarle and Buckingham, Lords Southampton, Robartes, Bristol, Anglesey, Ashley, and Hollis. Lord Clarendon did not belong to it, and must be exempted from the imputation of having advised, or countenanced, even the modified revival of that pernicious court.

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It was maintained by many of the Royalists that, inasmuch as the preceding Parliament had not been legally convened, its Acts would not be strictly valid unless confirmed by the present. A Bill to confirm these Acts was therefore brought in early in the session; but, little progress was made in it. Among the Acts to be confirmed was the Act of Indemnity. The Royalists disliked this measure, and “they proceeded,” says Clarendon, “very slowly, coldly, and unwillingly, notwithstanding the King’s frequent messages to them “to despatch it, though with the delay of those “other things which they thought did more immediately concern him. They had many agents “and solicitors in the Court, who thought that all “that was released by that Act might lawfully be “distributed amongst them; and, since the King “had referred that whole affair to the Parliament, “he might well leave it to their judgments, without his own interposition. But his Majesty “looked upon himself as under another obligation, both of honour and conscience; and “upon the thing itself, as more for the public “peace and security than any thing the Parlia-

CHAP. V. 1662. “ment could provide instead thereof; and, therefore, was very much troubled and offended at the apparent unwillingness to pass it.”* A letter was written to the Commons, on the 20th of June, requiring dispatch; and an urgent message was delivered, on the 6th of July, by Morrice, signifying the King’s intention to be at the House of Lords on the 8th, to give assent to the Bill for confirming “public Acts, wherein the Act of “Oblivion is contained.”† The message was effectual: the Bill was sent up; and, on the 8th, received the royal assent. Thus, through Clarendon’s firm and upright adherence to that healing measure, the Commons were checked in the disposition which they had evinced to commit a breach of good faith. ‡

These were the most important of the early measures of this Parliament, which, on the 30th of July, was adjourned to the 25th of November. The King gave assent, in person, to the Bills which had been passed, and which the Speaker presented, commenting upon them, after an introduction which, in the metaphorical style of its adulation, was curiously illustrative of the taste of the age. “In the great field of nature,” said the Speaker, “all fruits do not grow ripe together; but some in one month, some in another; one

* Life of Clarendon, ii. 99.

† Commons’ Journals, July 6. 1662.

‡ In a similar spirit the Commons had passed a Bill to relieve Royalists from all interest above 3 per cent. on debts contracted before the wars; but it was not passed in the upper House.

“ time affords your Majesty primroses and violets ;
 “ another time presents you with July flowers. CHAP.
V.
 “ So it is in the course of our proceedings :—some 1662.
 “ of our fruits are in the blossom, when others are
 “ in the bud ; some are near ripe, and others fit to
 “ be presented to your Majesty. Amongst the
 “ number of our choicest ripe fruits, we first pre-
 “ sent you with a Bill for the safety and preserv-
 “ ation of your Majesty’s royal person and govern-
 “ ment.” Then, after commenting affectedly
 upon the various Bills which he presented, he con-
 cluded with an allusion to the recess ; and with
 exquisite recollection both of the season of the
 year and of the horticultural metaphor with which
 he had commenced, he promised, in the name
 of the faithful Commons, that, “ when we leave
 “ our hive, we shall but fly about the several
 “ counties of the nation to gather honey ; and,
 “ when your Majesty shall be pleased to name the
 “ time, return with loaded thighs unto our house
 “ again.”*

The new Parliament displayed the predomi-
 nance of royalist principles, not only by their
 endeavours to uphold the prerogative, but also by
 the exhibition of a vindictive feeling towards those
 who were excepted from the Bill of Indemnity.
 They had, in July, passed resolutions for the con-
 fiscation of the property of twenty-one persons
 deceased, and of five living ; three of whom—Lord

* Lords’ Journals. Parl. Hist. iv. 218. 221.

CHAP. Monson, Sir Henry Mildmay, and Mr. Robert
 V. Wallop—were ignominiously dragged through the
 1662. streets on hurdles, with ropes round their necks,
 to Tyburn; and all five were to be imprisoned for
 life, and to be degraded from whatever title of
 honour they possessed. It was also resolved that
 the Solicitor-General be desired to bring in a Bill
 for the execution of the regicides in the Tower,
 who had surrendered in consequence of the pro-
 clamation, and had been respited till further orders;
 and that the Attorney-General be desired to pro-
 ceed against Vane and Lambert according to law,
 and against Hazlerig as to pains, penalties, and
 forfeiture, not extending to life.* Actuated by
 reports of conspiracies, laid before the House by
 Sir John Packington and the members for Staf-
 fordshire, Oxfordshire, Herefordshire, and other
 counties, the Commons, in January, passed a
 sanguinary Bill for the immediate execution of
 thirteen persons, and sent it up to the House of
 Jan. 27. Lords. It was there read a second time, and com-
 mitted; conferences were held on it between the
 two Houses. Eleven of the prisoners were called
 up, examined, and remanded; and the consider-
 ation of the Bill was never afterwards resumed. †

The humanity of Clarendon was instrumental
 in procuring the suppression of this cruel Bill. In
 one of those many written communications which
 passed between the King and the Chancellor, (and

* Commons' Journals, July 1. 1661.

† Lords' Journals, Jan. 28, 29. Feb. 1. 3. 5. 7.

which are extant, in the hand-writing of each, in the Bodleian Library,) Clarendon asked, "What is to be wished should be done in the Bill that is now ordered to be brought in for the execution of those ill men who are condemned? Would it not be better that the Bill should settle in the two Houses, and not be brought to you? Shall I speak of it at the Board?" *King*. "I must confess that I am weary of hanging, except upon new offences." *Chan*. "After this business is settled, shall I move it here, that we may take care that it comes not to you?" *King*. "By all means, for you know that I cannot pardon them."*

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There were two distinguished individuals, Vane and Lambert, against whom the unsatiated vengeance of the Parliament was especially directed. They were the most formidable surviving foes of the Royalists — Vane in his civil capacity, Lambert as a military leader. Vane had been a prominent instrument of Strafford's death, in procuring the document produced by Pym; and by his statesman-like abilities had eminently contributed to the successes of his own party. Lambert was the last assailant of royalty in the field, and the last hope of the disbanded malcontents. The Lords and Commons of the Convention Parliament had concurred in a petition to the King, that, if

Trials of
Vane and
Lambert.

* Dr. Lingard, quoting inaccurately from the Clarendon State Papers, says, "These men owed their lives to the humanity of the King;" (Lingard, xii. 35.) whereas they owed them rather to the suggestions and agency of the Chancellor. State Papers, iii. app. xlvi.

CHAP. Lambert and Vane "shall be attainted, yet exe-
 V. "cution, as to their lives, may be remitted." The
 1662. petition was presented by the Lord Chancellor,
 who reported to the House that the King com-
 plied with this merciful request.*

Very different was the conduct of the ensuing Parliament. They directed the Attorney-General to bring them to trial †; and, with merciless pertinacity, sent, at intervals of more than a month, three urgent addresses to the King, entreating him to give immediate assent to their desires. ‡ It was on one of these occasions that the following communication passed, in writing, between the King and the Chancellor. *King.* "The House of Com-
 mons have sent to me, to put me in mind of
 their desire to have Sir H. Vane and Lambert
 brought hither to their trial." *Chan.* "I think
 you should answer them, that the weather hath
 been such as you could not hitherto do it, since
 they sent first to you, and now the Term will
 be done before it is possible to bring them to
 their trial; therefore they may be sent for against
 Easter Term, when the trial may be had." The prospect held forth in this apologetical message, so plainly indicative of disinclination to proceed against these persons, was not fulfilled; for the required trial was still deferred, and did not

* Commons' Journals, Aug. 28. Sep. 5. 1660. Lords' Journals, Sep. 5. 8. 1660.

† July 1. 1660.

‡ Commons' Journals, Nov. 21. 23. 1661. Jan. 10. Feb. 19. 1662.

take place till Trinity Term. On the 4th of June, Vane and Lambert were arraigned in the Court of King's Bench; — Lambert for levying war against the King, — Vane for compassing and imagining his death, keeping him out of the exercise of his rightful power, and attempting to subvert the ancient form of government, instanced by acts committed in May and December, 1659.

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An attempt was made to obtain for Vane the protection of an important statute, 11 Hen. VII. c. 1., which exempted from punishment those who adhered to the King *de facto*, in opposition to the King *de jure*; and which provided that allegiance to the existing sovereign, although an usurper, should not be construed into a punishable crime. But, neither in letter nor in original intention, could this Act include Vane. It contemplated such difficulties, arising out of disputed successions, as had occurred during the struggles of the Houses of York and Lancaster, and not the subversion of kingly government. It specified only the adherents of an usurping *King*, and did not apply to the case of monarchy being superseded by a commonwealth. Its words, "Prince and Sovereign Lord," were certainly not intended to imply such supreme authority as that which was exercised by the Parliament or the Protector. It did not extend impunity to those who resisted a king *de jure*, unless it was in support of a king *de facto*. It protected only those who, perhaps out of a genuine misapprehension of the rights of succession, had opposed the

CHAP. legitimate monarchy, and not those who opposed
 V. the institution of monarchy itself.*
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So far Vane's judges appear to have had law and reason on their side; but they next proceeded to propound a doctrine by which law and reason were absurdly violated. It was resolved by the Court, that Charles II. "was *de facto* kept out of the exercise of the kingly office by traitors and rebels, "yet he was King both *de facto* and *de jure*;" and that all the acts which were done to the keeping him out were "high treason." The latter part of this resolution is directly opposed to the decision of Coke, that a King, "that hath "a right and is out of possession," is not within the statute of treason. The preceding assertion was equally opposed to common sense; nor can we admit the justification attempted by those learned apologists†, who tell us that he was King *de facto*, because there was no other King;—that he was "quasi in possession of the Crown, since, during "the usurpation, no other person did claim to act

* Cromwell was aware of this; and used it as an argument in favour of his assumption of the title of King. "I have heard," said he, in that remarkable conversation with Whitelocke, which is reported by the latter, "that, by an Act of Parliament in Henry the Seventh's time, it is "safer for those who act under a King (be his title what it will) than "for those who act under any other power." "I agree," replied Whitelocke, "in the general with what you are pleased to observe as "to this title of King; but whether for your Excellency to take this "title upon you, as things now are, will be for the good and advantage "either of yourself and friends, or of the commonwealth, I do very "much doubt, notwithstanding that Act of Parliament, 11 Hen. VII., "which will be little regarded or observed to us by our enemies, if "they should come to get the upper hand of us." (Whitelocke's Memorials, 550.) It might be added, in support of Whitelocke's opinion, that the mere assumption of the title of King, unaided by any pretext of a right of succession, would not have brought the adherents of Cromwell within the intention of the statute.

† Foster and Hawkins.

“under the regal title.”* Upon this principle, the race of Stuart, or their nearest of kin, would have continued to be Kings *de facto*, if the Commonwealth had endured to the present day!

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Vane defended himself, on his trial, with an ability which perplexed, and a boldness which irritated, his opponents. He justified what he had done, and dared his judges to prove him guilty of a punishable offence. He demanded whether the collective body of the Parliament can be impeached of high treason; whether he who acts by the authority of the Parliament can commit treason; whether acts done by that authority can be called in question by an inferior court; and, whether a King *de jure*, and out of possession, can have treason committed against him. The Court replied to these exceptions, by denying the legal existence of the Parliament, subsequent to the death of Charles I.,—by affirming, that from that moment † Charles II. was King *de facto*; and that to compass his death in his *political* capa-

* State Trials, vi. 120.

† It had been resolved by the Judges, in Michaelmas term, 1 Eliz., 1559, that “the King, who is heir or successor, may write and begin his reign the same day that his progenitor or predecessor died.” (Dyer’s Reports, 159.) Yet, according to ancient usage, even subsequent to the statute of treason under Edward III., from some act of possession, or from proclamation, must the King of England date the commencement of his reign. Henry II. commenced his reign one month and twenty-four days after the death of his predecessor. Richard I., one month and twenty-eight days; John, one month and twenty-one days; Henry III., nine days; Edward I., four days; Edward II., on the following day; Edward III., five days afterwards; Richard II., Henry IV., V., VI., and VIII., on the following day. Edward VI. is the first sovereign whose reign is indisputably shown to have commenced immediately on the decease of his predecessor. (See Chronology of History, by Sir H. Nicholas.)

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city, or to depose him, was treason by the Act of 25 Edward III. The Court laid down rules which would have included in the guilt of treason the Lord Chief Justice Hale, who had taken the engagement "to be true and faithful to the Commonwealth of England, without a King or House of Lords;" rules which, to use the words of Judge Foster, "involved in the guilt of treason every man in the kingdom who had acted in a public station under a Government possessed, in fact, for twelve years together, of sovereign power."* Such was the decision of the Court; and the jury found Vane guilty, not only according to the indictment, which was for what he had done in 1659, but also for a series of acts of high treason, from after January 30, 1648.†

Vane's bearing in court, and, still more, his uncompromising denial that the King, while in exile, was King *de facto*, and his assertion, that the supreme power then rested incontestably in the Houses of Parliament, incensed Charles against the prisoner, and induced him to write a letter, which now redounds to his eternal shame. In a letter addressed to the Chancellor (now extant in the British Museum), he says that, if Vane "has given new occasion to be hanged, certainly he is too dangerous a man to let live, if we can honestly put him out of the way."‡ The preceding Parliament had petitioned that the lives of Vane and

* State Trials, vi. 128.

† Ibid. vi. 156.

‡ Harris's Lives, v. 32. Hallam's Constitutional History, ii. 443.

Lambert might be spared; and the King had promised to grant the desire of the petition.* But Chief Justice Foster is said to have endeavoured to persuade the King that he lay under no obligation to mercy by having so granted this petition; saying, "that God, though full of mercy, intended "his mercy only for the penitent."† This sanguinary cant prevailed. Charles signed, on the 12th of June, a warrant for the execution of Vane, by hanging, at Tyburn, on the 14th; which sentence, on the following day, "upon humble suit "made" to him, Charles was "graciously pleased "to *mitigate*," as the warrant terms it, by commutation for the less ignominious punishment of beheading on Tower Hill, and with permission that the head and body should be given to the relations, to be by them decently and privately interred.

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Vane, at the place of execution, evinced the same undaunted courage which had characterised his conduct during the trial. He spoke long and eloquently to the assembled multitude, in spite of interruption from the Lieutenant of the Tower; and though drummers were posted at the foot of the scaffold, and ordered to beat and drown his voice‡: and he submitted calmly to his fate. So fell Vane, the last victim of a long, sad, course of civil troubles. He presented an eminent example, scarcely surpassed perhaps by Cromwell, of the rare union of an enthusiastic religious zeal with

* See page 118.

† Burnet, i. 279, 280.

‡ State Trials, vi. 188.

CHAP. cool sagacious practical ability in the conduct of
 V. political affairs.*
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Lambert obtained mercy. He had not exhibited the demeanour of defiance, or the dangerous eloquence of Vane; and his punishment was commuted from death to imprisonment. He was sent to Guernsey, where he was mildly treated by the Governor, Lord Hatton, and allowed, by warrant from the King, to have free range over the whole island †, — an indulgence which, we may infer from a letter of gratitude, he owed, in great measure, to the interposition of Clarendon. ‡

* Clarendon says, "He was indeed a man of extraordinary parts; a pleasant wit, a great understanding, which pierced into and discerned the purpose of other men with wonderful sagacity, whilst he had himself *vultum clausum*. No man could make a guess of what he intended. He was of a temper not to be moved, and of rare dissimulation, and could comply when it was not seasonable to contradict without losing ground by the condescension; and if he were not superior to Mr. Hampden, he was inferior to no other man, in all mysterious artifices." (Clar. Hist. Reb. iv. 291.)

† It appears from one of the warrant-books, in the State-Paper Office, that this liberty was granted in November, 1662, and again in March, 1664; from whence we must infer, that it was withdrawn at some time during this interval.

‡ See Lambert's letter to Clarendon, Vol. III. p. 310.

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CLARENDON'S INSTRUMENTALITY IN PROMOTING THE MARRIAGE OF CHARLES II. WITH CATHERINE OF PORTUGAL. — PROSPECTIVE ADVANTAGES OF THE MARRIAGE. — APPROVED BY THE COUNCIL. — OPPOSED BY THE SPANISH AMBASSADOR, AND BY BRISTOL. — BRISTOL'S MISSION TO PARMA. — BASTIDE'S SECRET MISSION FROM THE KING OF FRANCE. — HIS INTERVIEWS WITH CLARENDON. — HIS INEFFECTUAL ATTEMPTS TO BRIBE CLARENDON. — NEGOTIATIONS FOR SECRET AID FROM FRANCE. — CULPABILITY OF CLARENDON. — INTENDED MARRIAGE ANNOUNCED. — STRUGGLE FOR PRECEDENCE BETWEEN THE AMBASSADORS OF FRANCE AND SPAIN. — CHARLES MEETS CATHERINE AT PORTSMOUTH. — HIS NEGLECT. — CLARENDON'S INTERPOSITION. — CHARLES'S INCREASED HARSHNESS. — DISMISSAL OF THE PORTUGUESE ATTENDANTS. — THE QUEEN ULTIMATELY SUBMITS.

1661—1662.

In the autumn of 1660 negotiations were set on foot for the alliance of Charles with the Princess Catherine of Portugal; negotiations in which the authority and station of Clarendon caused him to bear a conspicuous part; and of which, at a subsequent period, it suited his opponents to consider him the original promoter. Such, however, he does not appear to have been. It was his wish that the King should marry. He deplored the profligate levity of Charles, and indulged a hope that the influence of an amiable and accomplished woman might impart some degree of propriety to his conduct. But the selection was not originally made by Clarendon; and, though he approved

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from the first, he does not appear to have been instrumental in an extraordinary degree. Burnet and Echard, on the authority of Sir Robert Southwell, state Monk to have been the first who moved in this affair. Carte ascribes the first suggestion, with more probability, to the Queen-Mother, — an hypothesis countenanced by the period of her visit to England, her desire that her son should be married to a Catholic, and her devotion to the interests of the King of France, who was entirely favourable to such a marriage.

Louis was secretly hostile to Spain, with which, by the treaty of the Pyrenees, he had bound himself in strict alliance; and wished to secure the independence of Portugal, which Spain still regarded as a rebellious province, and which he was bound by treaty not to assist: and now, while adhering to the *letter* of his compact, he sought to render it virtually null, through the instrumentality of England. It was therefore in strict accordance with the wishes of Louis that the King of Portugal, through De Mello, his ambassador in London, offered the hand of his sister Catherine, to Charles II.; adding the temptation of 500,000*l.* as a portion, Tangiers, Bombay, and the important privilege of free trade with Portugal and its extensive colonies.

This advantageous proposal was communicated by the King to the Lord Chancellor, who, though he had been anxious that the King should marry a Protestant, and appears to have been favourably inclined to his marriage with a daughter of Henry, Prince of Orange, was not insensible to the ad-

vantages which this proposal held forth. But, before he gave a decided opinion, he advised a conference with other members of the government: and, accordingly, the King appointed Ormond, Manchester, Southampton, and Nicholas, to meet him in consultation, at the Lord Chancellor's house. Lord Sandwich and Sir John Lawson were sounded with respect to Tangiers, the latter of whom described it as a place capable of being rendered very important in a naval and commercial point of view; and the select council at length unanimously agreed, after considering the magnitude of the portion, ("almost double " what any king had ever received in money by " any marriage,") and the importance of the places, and of the commercial privileges which would accompany it, " that there was no Catholic princess in " Europe whom his Majesty could, with so much " reason and advantage, marry, as the Infanta of " Portugal *;" and they were accordingly directed to commence a secret treaty on this subject with the Portuguese ambassador, who, inasmuch as he had not full power to conclude such treaty, went back for fuller instructions, to Portugal, where he appears to have arrived in November, 1660, and from whence he returned in January, 1661.†

The matrimonial project was long kept from the knowledge of the Spanish court; and it was not

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* Life of Clarendon, i. 495. Maynard's letter to Nicholas, Vol. III. p. 113.

† See Maynard to Nicholas, Vol. III. p. 118.

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acknowledged that our relations with Portugal extended to other matters than the arrangement of trade. But Vatteville*, the Spanish ambassador at London, warned by Fuensaldagna, watched with jealous vigilance all indications of friendship with that country. He discovered the project of marriage, and from that moment laboured to defeat it. He represented that an alliance with Portugal would cause war between England and Spain, and deprive the English of the Spanish trade. He intimated that the Princess Catherine would never have children; and he tried to give an impression that she was disgusting and deformed. The representative of his Catholic Majesty next intimated to Charles the probable displeasure of his Protestant subjects, and the danger of alarming their dread of Popery, when so newly settled in his dominions,—besought him to choose in preference a Protestant Princess,—suggested a Princess of Denmark, of Saxony, or of Orange,—and added, as a further inducement, that with either of them, or with one of the Princesses of Parma, the King of Spain would give a dowry equal to that which he had given to the King of France. † Vatteville found a coadjutor in Lord Bristol, who contrived to impress Charles with so favourable an opinion

* Vatteville was a dexterous diplomatist, who concealed much observant quickness, and an intriguing spirit, under a plain, rough, soldier-like frankness of demeanour; "lived with less reservation and more jollity than the ministers of that crown used to do; and drew such of the court to his table and conversation who, he observed, were loud talkers, and confident enough in the King's presence." (*Life of Clarendon*, i. 503.)

† Kennet, 431. *Clar. State Papers*, iii. Supp. ii. iv.

of the Italian Princesses, that the fickle monarch meditated for a while a breach of his half-promised engagement with Portugal; and sent Bristol on a secret mission to Parma, to see them. The Lord Chancellor remonstrated with Charles, saying, he should "first break off the treaty with Portugal, before he embarked himself in another; otherwise he would so far expose his honour to reproach that all princes would be afraid of entering into any treaty with him." Southampton and Ormond were next consulted; and on their concurring with the Chancellor in condemnation of Bristol's mission, the King was induced to send a letter to recall him.* Bristol, however, had previously performed his mission; but it terminated as the King and his Ministers wished. Bristol saw the Princesses only on their way to church; but this transient view was quite sufficient. The ugliness of one of them, and the corpulence of the other, made it impossible to hope that either would be acceptable to one by whom personal beauty was so much valued as it was by Charles.†

This dexterous and persevering opposition of the Spanish ambassador to the Portuguese match, made the French King fearful for the success of his project; and a secret negotiator was sent over to promote it. In March, 1661, Bastide, formerly secretary to Bordeaux, late French ambassador to England, arrived in London and

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Bastide's
secret mis-
sion.

* Life of Clarendon, i. 507—512.

† Clar. State Papers, iii. Supp. viii.

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presented himself to the Lord Chancellor, bearing a letter from Fouquet, the French Minister of Finance, which introduced him as one in whom implicit confidence might be placed, and desired a secret correspondence through him, as the means of a stricter friendship between England and France. A confidential conversation ensued between the Chancellor and Bastide, which was repeated the following day in the presence of Charles. From this it appeared that the two chief objects of this mission were, — first, to obtain a promise that, in treating with the Dutch, “both Crowns should communicate their proceedings, to the end that such alliance might be made as might be approved by both, and for the good of both;”—and, secondly, to give assurance that the King of France entirely approved of the Portuguese match.* This correspondence was kept so secret, that, in addition to the two negotiators and their respective sovereigns, none knew it but the Duke of York, and the Chancellor’s eldest son, Lord Cornbury, who acted for him as secretary. It was not known to Lord St. Alban’s, the English ambassador at Paris; nor does it appear to have been then communicated to any Frenchman or Portuguese.

Bastide’s sat.
tempts to
bribe Clar-
endon.

In the first conversation with the Chancellor, Bastide mentioned another subject which the French King had much at heart—the restitution of Nova Scotia. He also attempted to corrupt

* Clar. State Papers, iii. Supp. xi.

the integrity of the Chancellor, by an offer which is recorded both in the minutes of their conversation made by Lord Cornbury, and in Lord Clarendon's Memoirs of himself.* Bastide, alluding to the privations which had been endured by the Chancellor before the Restoration, to the jealous enemies who probably surrounded one so powerful, and to the expediency of creating friends by acts of bounty, said, he had brought with him a present which, in itself, was but small, and was only the earnest of as much every year, which should be constantly paid, and more if he had occasion to use it; then showed him "bills of exchange and credit for the sum of ten thousand pounds sterling, to be paid at sight; and said, 'that he had been with the merchant, who would be ready to pay it that afternoon; so that whoever he would please to appoint should receive it.' The Chancellor had heard him with much indignation, and answered him warmly, 'that if this correspondence must expose him to such a reproach, he should not willingly enter into it; and wished him to tell M. Fouquet that he would only receive wages from his own master.' The gentleman so little looked for a refusal, that he would not understand it; but persisted to know 'who should receive the money, which,'

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* Clar. State Papers, iii. Supp. i. These accounts differ in no material circumstance, except with respect to time. According to the "minutes," the bribe was offered at the first interview; according to the "Memoirs," at the third, subsequent to the meeting in the presence of Charles. I trust rather to the son's "minutes" than to the father's memory.

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 1661. “ he said, ‘ should be paid in such a manner, that
 “ ‘ the person who paid it should never know to
 “ ‘ whom it was paid; and that it should always
 “ ‘ remain a secret;’ still pressing it with impor-
 “ tunity, till the other went, with manifest anger,
 “ out of the room.

“ That afternoon the King and Duke (who was
 “ likewise informed of the correspondence) came
 “ to the Chancellor, and found him out of humour.
 “ He told them, ‘ that Fouquet could not be an
 “ ‘ honest man, and that he had no mind to hold
 “ ‘ that correspondence with him;’ and thereupon
 “ repeated what had passed in the morning, with
 “ much choler; which made them both laugh at
 “ him, saying, ‘ the French did all their business
 “ ‘ that way:’ and the King told him ‘ he was a
 “ ‘ fool;’ implying, ‘ that he should take his mo-
 “ ‘ ney.’ Whereupon the Chancellor besought
 “ him, ‘ not to appear to his servants so uncon-
 “ ‘ cerned in matters of that nature, which might
 “ ‘ produce ill effects;’ and desired him to con-
 “ sider ‘ what the consequence of his receiving
 “ ‘ that money, with what secrecy soever, must
 “ ‘ be. That the French King must either be-
 “ ‘ lieve that he had received it without his Ma-
 “ ‘ jesty’s privity, and so look upon him as a
 “ ‘ knave, fit to be depended upon in any treachery
 “ ‘ against his master; or, that it was with his
 “ ‘ Majesty’s approbation, which must needs lessen
 “ ‘ his esteem of him, that he should permit his
 “ ‘ servants, of the nearest trust, to grow rich at
 “ ‘ the charge of another prince, who might, the

“ ‘ next day, become his enemy :’ to which the
 “ King, smiling, made no other reply than ‘ that
 “ ‘ few men were so scrupulous ;’ and commanded
 “ him ‘ to return a civil answer to M. Fouquet’s
 “ ‘ letter, and to cherish that correspondence,
 “ ‘ which,’ he said, ‘ might be useful to him, and
 “ ‘ could produce no inconveniency.’ ” *

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We cannot do full justice to the integrity of Clarendon, without considering the double temptation by which it was assailed—not only by the direct offer of the bribing party, but also by the unprincipled permission of his royal master. Bastide, surprised perhaps by the phenomenon of an honesty so inexplicable and unexpected, or sceptical of its reality, and encouraged by the continuance of that correspondence which the Chancellor was instructed to “cherish,” repeated his offer, but without success.

Clarendon, satisfied with showing that he was not accessible to secret bribes, afterwards accepted, without scruple, a present from the King

* Life of Clarendon, i. 521—524. Burnet’s account of this transaction agrees closely with that of Clarendon, especially with respect to his communication of the proposed bribe to the King and Duke of York. “They both,” says Burnet, “advised him to accept it. ‘Why,’ said he, ‘have you a mind that I should betray you?’ The King answered, he knew nothing could corrupt him. ‘Then,’ said he, ‘you know me better than I do myself; for, if I take the money, I shall find the sweet of it, and study to have it continued to me by deserving it.’ He told them how he had rejected the offer; and very seriously warned the King of the danger he saw he might fall into, if he suffered any of those who served him to be once pensioners to other princes: those presents were made only to bias them in their counsels, and to discover secrets by their means; and if the King gave way to it, the taking money would soon grow to a habit, and spread like an infection through the whole court.” Burnet, i. 285.

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of France of all the books printed at the Louvre press.* It was an open testimony of consideration and good will, such as it was not dishonourable either in Louis to offer, or in Clarendon to receive; and it afforded presumptive evidence, against any unacknowledged acceptance of pecuniary bribes. Demonstrations like Louis's open gift,—a gift calculated solely for display,—are cautiously avoided by those between whom has passed a base interchange of secret services.

Negotiations for secret aid from France.

Though the private integrity of Clarendon stands unshaken by these transactions, not so his credit as a statesman. It had been well if he had guarded the independence of his King and country as carefully as he preserved his own. Bastide, in his letter of April 17. 1661, enclosed a paper, on which was written, “If your Lordship hath occasion, for the furthering or promoting the King of England's and your own interest at the next Parliament, or for any other end, to make use of those proffers I was bold to make when I took my leave, I am in a capacity still to perform it, and more, in a word's warning; and your Lordship will do nothing in that but what will be very acceptable here, and what would be freely accepted of, if there had been occasion for, as a real testimony of a mutual and reciprocal friendship and trust.” † “Let me now,” said the Chancellor, in his reply of the following day, “speak a word or two to you in confidence, to which I

* Clar. State Papers, iii. Supp. xi. xiii.

† Ibid. iii. Supp. iv.

“ desire an answer with all possible freedom ; and
 “ I must tell you, you gave me the occasion of
 “ this discourse by the little paper that was en-
 “ closed in your last letter before this. We cannot
 “ have more reason to be confident of any thing
 “ than of the good temper and great affection of
 “ the Parliament, which is now shortly to meet ;
 “ and we have many matters of greater importance
 “ to settle with them than the procuring of money,
 “ which we shall defer (I mean, defer the asking)
 “ till the other things are done ; and yet you will
 “ easily believe that the King, before that time,
 “ may be in some straits which he will not
 “ willingly own. If this should fall out to be the
 “ case, do you believe, if the King desires it, that
 “ the King of France will lend him 50,000*l.* for
 “ ten or twelve months, in which time it shall be
 “ punctually repaid ? If you find, by Monsieur
 “ Fouquet, that this proposition is not seasonable,
 “ tell me freely, and I will prevent the King’s de-
 “ siring it ; and it is probable enough that his
 “ affairs may not require it : but it will not be
 “ amiss to know what we may depend upon, upon
 “ any accident.” *

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Thus commenced the pensioned dependence of
 the restored monarch on the King of France. To
 have been the sanctioner of such a system, is
 one of the gravest faults with which Clarendon
 is chargeable as an adviser of the Crown. It
 may be pleaded for him, in mitigation of cen-

* Clar. State Papers, iii. Supp. iv.

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sure, that he was endeavouring to supply a want not created by the King's extravagance, but by just and unavoidable payments, and by inability to obtain the whole of the 1,200,000*l.* assigned by Parliament; that he did not foresee the miserable subservience to which the acceptance of secret aid of so small amount would ultimately lead; and that, having seen Charles, while the exiled but rightful King of England, for many years a pensioned dependent on the bounty of foreign courts, and principally on that of France, he was not keenly sensible of the indignity of that position. He might, perhaps, consider too little the difference of his present situation—remembering only that now, as then, he was in need of pecuniary aid—and not remembering that Charles, being now King *de facto*, had important interests committed to his care, that in him was compromised the honour of the nation, and that an attitude of independence should be rigidly maintained.

The influence of France restored Charles to that determination which Vatteville and Bristol had been able to shake. He summoned a council, which was attended more numerous than usual, and unanimously advised him to conclude the marriage.* This advice was communicated by the King to the Parliament, on the opening of the session; and addresses were presented by both Houses, expressive of “joy and satisfaction.”† It

May 2.

May 8.

* Clar. State Papers, iii. Supp. v. Life of Clarendon, i. 526.

† Lords' and Commons' Journals, May 13. 1661.

is probable that, in this respect, the Parliament expressed truly the feelings of the public. The marriage had been rumoured long before it was announced; and it had been "celebrated," says the Chancellor in a letter to Lord St. Alban's, "with the most general applause that, I think, any thing of that nature ever was, by the people of all interests except the Catholics, who generally (I mean those who are given most to talk, and would fain be thought the plenipotentiaries of the body) inveigh against it with most unreasonable sharpness, of which the most sober are enough ashamed. The truth is, there is enough in that treaty, after the passionate desire of a Protestant, which was rather wished than hoped for, to render that alliance very popular; for, besides the portion in money, which is two millions of crowns Portuguese, and, I believe, much more than could be had any where else, that advantages and benefits to trade make the merchants most enamoured on it: and sure we have very ill luck if, in the East and West Indies, they do not make incredible benefit by the concessions, even to their own hearts' desire." * Great, too, was the joy which, as appears from the letters of Maynard, our consul at Lisbon, to Sir E. Nicholas, was diffused through Portugal at the prospect of this brilliant alliance. Very marked was the depression of the Court, on learning the cold reception of De Mello on his return to England in February, while Charles was wavering in

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April 8.

* Vol. III. p. 119.

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his intentions. But his letters in the following month transported them as much with joy; "so now," said Maynard, "there is nothing but cheerfulness to be read in the faces of people of all conditions, nor any discourse but of going to England, amongst our courtiers; and 'tis next to heresy for any man to say that the Infanta is not Queen of Great Britain."*

June 3.

After the public announcement of the intended marriage, Clarendon again applied for secret aid from France, telling Bastide that Mazarin "did in his lifetime advise the King not to suffer Portugal to fall into the hands of the King of Spain; and declared that France would, underhand, assist, that it might not do so †;" and that the King of England is not able to defray alone the expense of any military equipments for the protection of Portugal.‡ The consequence of this application was an engagement on the part of France to furnish secretly 2,000,000 livres; England contributing, for the defence of Portugal, 1000 horse, 2000 foot, and ten ships of war equipped and victualled for eight months after the arrival of the young Queen.§ D'Estrades was sent over as ambassador from France in July, and confirmed the promises made through Bastide. ||

Vatteville, apparently irritated by the failure of his previous intrigues, and presuming upon a fa-

* See Maynard's Letters to Nicholas, Vol. III. 118. 128, 129. 138.

† Clar. State Papers, iii. Supp. x.

‡ Ibid. iii. Supp. xi. D'Estrades, i. 133.

§ Clar. State Papers, iii. Supp. xii. xiv. xvi.

|| D'Estrades, i. 121. 138.

vourable feeling which existed in England towards the Spaniards, endeavoured to excite a popular outcry against the Portuguese match. He made his house a place of meeting for the disaffected. "He caused to be printed, in English, the copies of the memorials which he had presented to the King, and of the discourses he had made against the match with Portugal, with the offers the King of Spain had made to prevent so great a mischief to the kingdom, and other seditious papers to the same purpose; and caused those papers to be spread about in the army, and amongst the populace; some whereof were cast out of his own windows amongst the soldiers as they passed to and from the guard."* But all this was done in vain. Advantages were promised, which secured approbation; and the populace, though they preferred the Spaniards to the French, would not be imbued with the animosities of the former, and, at the bidding of a Spaniard, hate Portugal. France and Spain were now openly engaged, the one in promoting, the other in opposing, this alliance; and the animosities of the respective ambassadors vented themselves in an affray curiously characteristic of the semi-barbarous violence with which mere forms were then asserted.

A struggle for precedence between the courts of France and Spain was of old date; and Vatteville announced his intention to revive it. Charles

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Struggle
for precedence
between the
Ambassa-

* Life of Clarendon, i. 515. Kennet, 431.

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dors of
France
and Spain.

prevailed on him and D'Estrades to abstain from the contest at the public entry of the Venetian ambassadors. But D'Estrades was reproved by Lewis XIV. for this compliance, and ordered to assert his claim at the expected entry of the ambassador from Sweden; while Charles, thinking that he was no longer able to prevent collision, and that he was bound to see fair play, issued a proclamation forbidding his subjects to interfere. D'Estrades, as if resolved to gain success by force, brought soldiers in disguise from Boulogne, collected all the French in London, and on the 30th of September appeared at the Tower wharf, attended by an armed train of 150 men, of whom forty were on horseback, with pistols, carbines, and musquetoons. Vatteville, who could muster only about forty persons, supplied by ingenuity what he wanted in force. He marshalled well his few followers, and had harness of chain covered with leather, which could not be cut. At three o'clock Brahe, the Swedish ambassador, was met at the Tower wharf, and conveyed in one of the King's carriages; and as he departed, followed by his own carriage, the representatives of France and Spain began their inglorious struggle for the place of honour next after it. Swords were drawn by both parties, and fire-arms were used by the French. But while the latter were making a general attack upon the Spanish party, the Spaniards more wisely directed their efforts to disabling the rival equipage; and one bold and dexterous man decided the contest by hamstringing two of the French

ambassador's coach-horses. The honour of a great nation, so gloriously asserted, fell in the persons of these valuable animals. One man had maimed the sinews of a coach-horse, and *therefore* his Majesty of France was forced to submit, in dishonoured inferiority, to his brother of Spain! Thus stood the case, upon the supposition that any point could be decided by such a struggle, which was not far too dearly purchased at the sad expense of eight persons killed and forty wounded. The Spaniards gained their place and kept it, amidst the shouts of the assembled people, "who," says Pepys, "do *naturally* all love the Spanish, and hate the French;" and the boastful attendants of the French ambassador retired dispirited from the fruitless contest. One Englishman was killed in this disgraceful brawl, by which the King of England, standing aloof in tame neutrality, permitted the peace of his capital to be broken.*

It was stipulated by a formal instrument, signed in June by the Portuguese envoy and seven of the King's ministers, that certain articles of the treaty of marriage must be performed before the Infanta should embark for England.† These included the payment of the portion, and the delivery of Tangiers. Lord Sandwich, commanding a fleet in the Mediterranean, charged with the chastisement of the Barbary pirates, was instructed, after the fulfilment of that object, to receive possession of Tan-

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* Evelyn's Narrative, in his Memoirs, ii. 458. *et seq.* Pepys's Diary, i. 221—224. Clar. State Papers, iii. Supp. xvii.

† Vol. III. p. 503.

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giers and of the portion, and to convey the Infanta to England. Much delay occurred in the performance of these preliminaries. The secret influence of Spain and of the Pope caused many in Portugal to murmur at the delivery of Tangiers into the hands of heretics; and there were grounds to suspect an intention of evading this part of the engagement. But the Governor having fallen, with many of his troops, in a skirmish with the Moors, Lord Sandwich came opportunely to the rescue of the diminished garrison, received a fortress which the Portuguese were scarcely longer able to keep, and conveyed the Portuguese troops to Lisbon, leaving an English garrison in their stead. His arrival at Lisbon was almost equally opportune, and afforded aid to the Portuguese, by preventing an invasion threatened by a Spanish army. But the dread of that invasion had caused the expenditure of some of the money destined for the payment of the Queen's portion: and on the arrival of Lord Sandwich as ambassador at Lisbon, the Queen-Mother was induced to plead "that the straits and poverty of the kingdom were so great upon the late advance of the Spanish army, that there could, at this present, be paid only one half of the Queen's portion;" and to promise that "the other half should infallibly be paid within a year."* Sandwich, who was instructed to receive the whole portion, reluctantly acceded; and still more reluctantly to the receipt of even

* Life of Clarendon, ii. 163.

this moiety partly in commodities. Of the expected portion he received only half: of this, one fifth was spent on the service of the fleet, Tangiers, and the embassy; and only four fifths were brought to England, half in bills of exchange, and half in plate, jewels, and sugar.* Such was the difference between promise and performance in the outset of this ill-starred marriage.

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In April, 1662, Catherine of Braganza emerged from strict retirement, and embarked for England. "She hath," says Maynard, "hardly been ten times out of the palace in her life. In five years' time she was not out of doors until she heard of his Majesty's intentions to make her Queen of England; since which she has been to visit two saints in the city, and very shortly she intends to pay her devotion to some saints in the country."† Assuredly the education, experience, and habits of the intended Queen of Protestant England were little calculated to inspire confidence. Fortunately, however, her disposition was good; and her person, though not answering to the courtly descriptions of Lord Sandwich and of Maynard, appears to have been pleasing.‡ Clarendon says she had "beauty enough to make herself very agreeable to the King;" and such seems to have been the first impression of Charles,

Marriage
of the
King.

* See Letters from Sandwich to Clarendon, Vol. III. 192. 195.

† Vol. III. p. 156.

‡ Clar. State Papers, iii. Supp. xx. "She was," says Evelyn, though "low of stature, prettily shaped; languishing and excellent eyes; her teeth wronging her mouth by sticking a little too far out: for the rest, lovely enough." (Evelyn, ii. 190.) Pepys commends her good looks. (Pepys, i. 271, 272.)

CHAP. VI. who wrote that her eyes were "excellent good;"
 1662. and that, though "her face is not so exact as to be
 "called a beauty, she hath as much agreeableness
 "in her looks altogether" as he ever saw.*

In May she arrived at Portsmouth; and there, on the 20th, Charles met his bride elect, and solemnised his marriage. That he was pleased, appears both from the testimony of Lord Portland †, and from letters which, in the sincerity of confidential communication, he addressed to the Lord Chancellor. "If I have any skill in physiognomy," he wrote to Clarendon, "which I think
 May 21. "I have, she must be as good a woman as ever
 "was born. Her conversation, as much as I can
 "perceive, is very good, for she has wit enough,
 "and a most agreeable voice. You would wonder
 "to see how well we are acquainted already. In
 "a word, I think myself very happy, for I am
 "confident our two humours will agree very well
 "together."—"I cannot easily tell you," he repeated four days afterwards, "how happy I think
 "myself; and I must be the worst man living
 "(which I hope I am not), if I be not a good husband. I am confident, never two humours were
 "better fitted together than ours are." †

Charles probably believed what he wrote, and entertained, for a time, the good intentions which he thus expressed. But untoward circumstances, his fickleness, and his want of principle, soon cast a cloud upon their happy prospects. The Queen, from

* See Vol. III. 196.

† Clar. State Papers, iii. Supp. xxiii.

‡ See Letter and note, Vol. III. p. 196.

seclusion and a defective education, was lamentably deficient in worldly knowledge; and her bigoted attendants encouraged a disinclination to conform to the habits of her adopted country. The language of England was not to be learnt; and its dress and manners were not to be adopted;* and, though the King's injunctions prevailed with the Queen, her suite still clung to their nationality. The non-performance of the conditions of the treaty, and the consequent decline in the popularity of the marriage, had an adverse effect; and to these might be added, weightier than all, the influence of a mistress. Lady Castlemaine† had naturally disliked the prospect of a marriage which threatened to impair her power; and, hopeless of preventing it, had tried to turn it to account; and obtained a promise to be appointed a lady of the bed-chamber. The King's attentions to her were unabated up to the time of his departure to meet the Queen; and, within a few days after his return to Hampton Court, he insulted his bride by presenting to her, before the assembled court, his acknowledged mistress. Catherine, deeply wounded, and surprised into an act of gracious reception, which she had resolved not to bestow, fainted, and was carried insensible from the room; while Charles, irritated by a display of emotion which ought to have touched him, regarded her conduct "as an earnest of defiance." ‡

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* Life of Clarendon, ii. 167.

† Barbara Villiers, only daughter of Lord Grandison, married to an Irish gentleman named Palmer, afterwards created Earl of Castlemaine.

‡ Life of Clarendon, ii. 169.

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With the characteristic obstinacy of a weak man, he dreaded the appearance of being governed or resisted, and determined to vindicate his regal rights by the unbridled indulgence of his profligate will. He withdrew himself from the Queen's society, and sought that of more congenial companions, who strove to widen the unhappy estrangement. The shameless favouritism of James I., and the lax life of Henry IV. of France, were cited as examples for his encouragement; and Lady Castlemaine, at variance with her husband, and scorned by the Queen, was said to deserve at his hands reparation and support. Charles had conferred an earldom upon her husband, "who knew too well the consideration that he paid for it, and the brand of such a nobility, and did not, in a long time, assume the title;"* and having thus qualified the lady for preferment, he determined to appoint her to the Queen's bed-chamber.†

Charles tried at first by artful cajoleries to obtain the Queen's consent. She refused, and with a degree of warmth which, if impolitic, was certainly most excusable; and their dissension was again increased. In this emergency the King applied to the Lord Chancellor, and pressed upon him the unpleasant office of composing the domestic strife, and obtaining compliance on the part

* Life of Clarendon, ii. 171.

† "The lady hath beene at courte, and kissed her (the Queen's) hande, and returned that night. I cannot tell you there was no discomposure. I am not out of hope, and that is all I can yett say." (Clarendon to Ormond, July 17. 1662. See Vol. III. p. 208.)

of the Queen. Clarendon remonstrated with the King, in strong terms, on his profligate and insulting plan of forcing his mistress into the household of his wife. He spake, as he informs us, “ of the “ hard-heartedness and cruelty in laying such a “ command upon the Queen, which flesh and “ blood could not comply with. He put him in “ mind of what he heard his Majesty himself say, “ upon the like excess which a neighbouring king “ had lately used, in making his mistress to live in “ the Court, and in the presence of the Queen ; “ that his Majesty had then said, ‘ that it was such “ ‘ a piece of ill-nature that he could never be “ ‘ guilty of ; and if ever he should be guilty of “ ‘ having a mistress after he had a wife (which he “ ‘ hoped he should never be), she should never “ ‘ come where his wife was.’ ” * He told the King that his course of life had already “ lost him “ some ground,” and that the continuance of it “ would break the hearts of all his friends, and be “ only grateful to those who wished for the de- “ struction of monarchy.” Charles, not unaccus- tomed to be chidden by Clarendon, took this remonstrance in good part, but pleaded, in de- fence of his unshaken obstinacy, that he had now gone too far to retract—that his mistress and him- self would alike become ridiculous if he yielded — and he should be thought “ in pupilage under a “ governor,” and therefore “ he would expect and “ exact a conformity from his wife herein, which

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* Life of Clarendon, ii, 174.

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“ should be the only hard thing he would ever
 “ require from her; and which she herself might
 “ make very easy, for the lady would behave her-
 “ self with all possible duty and humility unto her,
 “ which if she should fail to do in the least degree,
 “ she should never see the King’s face again; and
 “ that he would never be engaged to put any other
 “ servant about her without first consulting with
 “ her, and receiving her consent and approbation.
 “ Upon the whole,” he said, “ he would never re-
 “ cede from any part of the resolution he had taken
 “ and expressed to him; and, therefore, he re-
 “ quired him to use all those arguments to the
 “ Queen which were necessary to induce her to a
 “ full compliance with what the King desired.” *

Charles also addressed to Clarendon a letter, which redounds to the eternal infamy of its writer. He said, in an impious and brutal strain, “ I wish
 “ I may be unhappy in this world, and in the
 “ world to come, if I faile in the least degree of
 “ what I have resolved, which is of making my
 “ Lady Castlemaine of my wife’s bed-chamber.”
 “ I am resolved to go through with this matter, let
 “ what will come on it; which again I solemnly
 “ sware before Almighty God; therefore, if you de-
 “ sire to have the continuance of my friendship,
 “ meddle no more with this business, except it be
 “ to beare downe all false and scandalous reports,
 “ and to facilitate what, I am sure, my honour is
 “ so much concerned in; and whosoever I find to

* Life of Clarendon, ii. 178.

“ be my Lady Castlemaine’s enemy in this matter,
 “ I do promise, upon my word, to be his enemy as
 “ long as I live. You may shew this letter to my
 “ Lord Lieutenant, and, if you have both a mind
 “ to oblige me, carry yourselves like friends to me
 “ in this matter.” *

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It is to be regretted that despair of turning the King from his purpose, or the hope of averting the open scandal of connubial discord, should have induced Lord Clarendon to accept an office, not simply of mediation, but of attempting to obtain the Queen’s consent to a proceeding which he avowedly condemned. It is to be deplored that, in seeking to apply a temporary palliative to an evil which he could not cure, he should, even seemingly, have lent the sanction of his eminent name to aid the disgraceful purposes of the King. The course which he pursued was quite compatible with *good intentions*; but he erred in judgment, as the eventual failure proved, when, for the temporary promotion of domestic peace, he quitted the plain strict rule of right. But I cannot admit, that his conduct deserved to be characterised as “ meanness.” † Mean compliance for the sake of securing the King’s favour cannot justly be imputed to one who notoriously disapproved of the King’s excesses, who refused to visit the triumphant mistress, to be instrumental to her

* See Letter XCIX., Vol. III.

† “ Clarendon had the meanness to undertake an office which he
 “ abhorred.” (Lingard, xii. 93.)

CHAP. husband's peerage, or to affix the great seal to any
VI. grant in her favour.*

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Clarendon had two interviews with the Queen, in which he attempted to show the expediency of compliance. But the warm feelings of the injured wife were proof against his prudential reasons; and the eloquent and sagacious statesman retired from the conference without success. He then besought the King, that he would let the matter rest awhile; but Charles was deaf to every voice but that of his own unworthy passions, and of the evil counsellors who pandered to them. The quarrel became more violent. "The fire," says Clarendon, "flamed higher than ever. The King reproached the Queen with stubbornness, and want of duty; and she him with tyranny, and want of affection: he used threats and menaces, which he never intended to put in execution; and she talked loudly, how ill she was treated, and that she would return again to Portugal. He replied, 'she should do well first to know whether her mother would receive her; and he would give her a fit opportunity to know that,

* Burnet says, that Clarendon "would never make applications to Mistress Palmer, nor let any thing pass the seal in which she was named, as the Earl of Southampton would never suffer her name to be in the Treasury books. Those virtuous ministers thought it became them to let the world see that they did not comply with the King in his vices." (Burnet, i. 281.) Again, he says, "The King usually came from his mistress's lodgings to church, even on Sacrament days. He held, as it were, a court in them, and all his ministers made applications to them. Only the Earls of Clarendon and Southampton would never so much as make a visit to any of them; which was maintaining the decencies of virtue in a very solemn manner." (Burnet, i. 299.)

“ ‘ by sending to their home all the Portuguese
 “ ‘ servants; and that he would forthwith give
 “ ‘ order for the discharge of them all, since they
 “ ‘ behaved themselves so ill; for to them and
 “ ‘ their counsels he imputed all her perverse-
 “ ‘ ness.’ ” * Clarendon, after a time, repeated
 his attempt at mediation — the sum of his advice
 to the Queen being, that she should submit cheer-
 fully to what she could not resist. But she re-
 plied, “ that her conscience would not suffer her
 “ to consent to what she could not but suppose
 “ would be an occasion and opportunity of sin; ”
 and Clarendon, foiled by her firmness, withdrew
 from the discussion, and besought the King “ that
 “ he might be no more consulted with, nor em-
 “ ployed, in an affair in which he had been so
 “ unsuccessful.” †

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The base and brutal persecution to which this
 injured woman, friendless and a stranger, was then
 exposed, from him who had sworn to cherish and
 protect her, is quite in accordance with the atro-
 cious spirit of his letter to Clarendon, and proves
 the absence of those kind feelings which many
 have been willing to ascribe to the contemptible
 character of the “ merry Monarch.” “ The King,”
 says Clarendon, “ came seldom into the Queen’s
 “ company, and when he did, he spake not to her,
 “ but spent his time in other divertisements, and
 “ in the company of those who made it their

* Life of Clarendon, ii. 184.

† Ibid. ii. 190.

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“ business to laugh at all the world, and who were
 “ as bold with God Almighty as with any of his
 “ creatures. He persevered in all his resolutions
 “ without any remorse; directed a day for the
 “ Portuguese to be embarked, without assigning
 “ any considerable thing of bounty to any of them,
 “ or vouchsafing to write any letter to the King or
 “ Queen of Portugal of the cause of the dismis-
 “ sion of them.”* The Queen, thus wounded in
 the persons of those to whom she was attached,
 earnestly entreated “ that she might retain some
 “ few of those who were known to her, and of
 “ most use, that she might not be wholly left in
 “ the hands of strangers; and employed others to
 “ make the same suit to the King on her behalf:
 “ whereupon the Countess of Penalva, who had
 “ been bred with her from a child, and who, by
 “ the infirmity of her eyes, and other indisposition
 “ of health, scarce stirred out of her chamber, was
 “ permitted to remain in the Court; and some
 “ few inferior servants in her kitchen, and in the
 “ lowest offices, besides those who were necessary
 “ to her devotions, were left her. All the rest
 “ were transported to Portugal.”† Extreme strict-
 ness was enjoined with respect to the portion. De
 Silva, who was charged with the payment, was
 committed to prison for delay; and the Portu-
 guese ambassador was treated with a harshness
 which affected his spirits and his health.

“ In all this time the King pursued his point :

* Life of Clarendon, ii. 191.

† Ibid. ii. 192.

“ the lady came to the court, was lodged there,
 “ was every day in the Queen’s presence, and the
 “ King in continual conference with her; whilst
 “ the Queen sat untaken notice of: and if her
 “ Majesty rose at the indignity, and retired into
 “ her chamber, it may be one or two attended her;
 “ but all the company remained in the room she
 “ left, and too often said those things aloud which
 “ nobody ought to have whispered.”* The King
 too soon stifled all remorse, and displayed that
 outward gaiety and good humour which thinly
 veiled the hard-hearted selfishness of his dispo-
 sition. His very “gaiety was made insulting to
 “ his wife. She alone was left out.” There “ was
 “ an universal mirth in all company but in hers,
 “ and in all places but in her chamber; her own
 “ servants showing more respect and more dili-
 “ gence to the person of the lady than towards
 “ their own mistress, who they found could do
 “ them less good.” †

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The spirit of the unhappy Queen was at length
 broken by this treatment; and it seemed as though,
 in the recklessness of despair, she wished to try if
 an opposite system would avail. To the surprise of
 all, she stooped to familiarity with Lady Castle-
 maine; “ was merry with her in public, and in
 “ private used nobody more friendly.” This
 course availed her nothing: it only caused grief
 and displeasure in those who had “ looked upon her
 “ with compassion, commended the greatness of

* Life of Clarendon, ii. 193.

† Ibid. ii. 193.

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“her spirit, detested the barbarity of the affronts she underwent, and censured them as loudly as they durst.” * “But,” said Clarendon, “this sudden downfall and total abandoning her own greatness, this low demeanour, and even application, to a person she had justly abhorred and worthily contemned, made all men conclude that it was a hard matter to know her, and, consequently, to serve her. And the King himself was so far from being reconciled by it, that the esteem, which he could not hitherto but retain in his heart for her, grew now much less. He concluded that all her former aversion, expressed in those lively passions which seemed not capable of dissimulation, was all fiction, and purely acted to the life by a nature crafty, perverse, and inconstant. He congratulated his own ill-natured perseverance, by which he had discovered how he was to behave himself hereafter, and what remedies he was to apply to all future indispositions; nor had he ever after the same value of her wit, judgment, and understanding, which he had formerly; and was well enough pleased to observe that the reverence others had for all three was somewhat diminished.” †

A dangerous illness of the Queen, in October, 1663, from which her physicians almost ceased to expect recovery, touched Charles, for a time, and produced demonstrations of grief, which we are loth to regard as mere hypocrisy. She re-

* Life of Clarendon, ii 195.

† Ibid. ii. 195.

ceived extreme unction; and affectingly made two requests, which she then believed would be her last—that her body might be sent to the land of her fathers, and that the King would never be unmindful of his promised friendship with her brother, the King of Portugal. The King *seemed* much afflicted, fell on his knees, and burst into tears; but he repaired from this scene to Lady Castlemaine, with whom he supped that night, and every other during the dangerous illness of the Queen; and sought amusement in the society of “la belle Stuart,” to whom he had partly transferred his fickle love, and whose presenee Lady Castlemaine was ordered always to secure.*

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The Queen recovered: and the King returned, unaltered, to his former course of faithlessness and neglect; lavishing her portion upon the objects of his infidelity; and so unblushingly and systematically devoting himself to others, that the Queen learnt not only the hard lesson of submission, but even the most discreet avoidance † of any interference with the privileges of the mistress.

* Pepys, ii. 105—109. v. 456. Appendix.

† Feb. 8. 1664. “Mr. Pierce,” says Pepys, “told me how the King still do doat upon his women, even beyond all shame; and that the good Queen will of herself stop before she goes sometimes into her dressing-room, till she knows whether the King be there, for fear he should be, as she has sometimes taken him with Mrs. Stewart; and that some of the best parts of the Queen’s jointure are, contrary to faith, and against the opinion of my Lord Treasurer and his council, bestowed or rented, I know not how, to my Lord Fitzharding and Mrs. Stewart, and others of that crew.” (Pepys, ii. 105.)

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CLARENDON'S PACIFIC POLICY.—SUBJECTS OF DISPUTE BETWEEN ENGLAND AND FRANCE.—NEGOTIATIONS BETWEEN CLARENDON AND D'ESTRADES.—LETTER OF LOUIS XIV. TO D'ESTRADES.—PECUNIARY DISTRESSES OF THE ENGLISH GOVERNMENT.—SALE OF DUNKIRK PROPOSED.—AUTHOR OF THE PROJECT UNCERTAIN.—SUPPORTED BY CLARENDON.—DUNKIRK IS OFFERED TO FRANCE.—D'ESTRADES COMES TO ENGLAND, AND NEGOTIATES WITH CLARENDON.—COMPLETION OF THE BARGAIN.—DUNKIRK IS SOLD.—POLICY OF THE MEASURE CONSIDERED.

1661—1662.

CHAP. VII. CLARENDON'S acceptance of secret pecuniary aid for Charles, although that aid was of small amount, created some difficulty in attempting to maintain towards the French court an attitude of dignity and independence; and this difficulty was augmented by the internal condition of England. The acute and vigilant D'Estrades, who, in July, 1661, had come as ambassador to London from the King of France, had not been deceived by the ambitious and warlike language which Charles had chosen to hold before him, with a view to inspire respect. He had noticed the prevalence of discontent; he had balanced the income and expenditure of the state; had ascertained the deficiency of the former; and had come to the conclusion that, if Charles really wished for war,

he must rely on some resource inscrutable to the ambassador.* Clarendon, at this time, was keenly sensible of our inability to sustain the dignity of the state by arms. "I pray," he wrote to Downing, "remember the straits and necessities we are in for money, the emptiness of all our stores and magazines." "And therefore," he adds, "till these are replenished, I think we should anger as few as is possible."† Yet, under circumstances of such difficulty, he urged to D'Estrades the claims of England, in a tone not only far removed from that subserviency to French interests with which he has been unfairly charged, but which even piqued the pride of Louis, and caused him to complain, in a letter to D'Estrades, of the "hauteur" with which the English Lord Chancellor had spoken."‡

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Aug. 30.

1664.

Sundry causes of disagreement between the two countries had occurred. The nets of certain fishermen of Dieppe had been seized under the authority of the Lord High Admiral, the Duke of York; and though the nets were restored, it was done simply as a matter of favour. Reparation thus offered was not acceptable to Louis§; and in retaliation for this affront, and in defiance of a treaty with Cromwell, he caused some English ships, bound for Bordeaux, to be stopped at Blaye, near the mouth of the Garonne, and required to put on shore their ordnance. Remonstrances

Subjects
of dis-
pute

* D'Estrades, i. 133.

† Letter lxxxi., Vol. III. p. 168.

‡ D'Estrades, i. 191, 192.

§ Ibid. i. 166, 167.

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were made, to which the French King replied, through Bastide, to Clarendon, that he had never granted this favour to the Protector except when the latter professed willingness to forbear all claim to France; "but," pursued Bastide, "if the King of England is willing to prefer other advantages, and those solid ones, before so unuseful a title or claim, and so to leave it, that itself will be a title or ground to the King of France, not only to grant that of Blaye, but also to do some extraordinary effort on behalf of the King of England;" and he added, in a postscript, "if your Excellency is willing to bring it to effect, besides the solid advantages the King of England will get by it, your Excellency will get such ones for yourself, that your Excellency will have ground to be pleased with it."* No answer to this latter intimation is extant. To the former Clarendon replied, that the consideration which induced such concession to Cromwell might be debated whenever a future treaty should come under discussion; but, in the mean time, he protested against it being allowed to appear "that the English shall not enjoy the same privileges which they had under Cromwell;" "that the question of the *title* is one which can never give the King of France a moment's trouble, and that the present mention of it would give the King of England much unquiet, and that, if an order is sent to compel the English ships to leave their

* Clarendon State Papers, iii. Supp. xii., xiii.

“ ordnance on shore at Blaye, the King of Eng-
 “ land must forbid his subjects to communicate
 “ with the port of Bourdeaux.” *

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Another disagreement also arose out of the attempt to assert our maritime supremacy, and to protect those interests which tended to support it. Negotiations were pending for a treaty between France and the States, which, it was proposed, should contain a guarantee to the States of the enjoyment of rights of fishery, in contravention of the asserted privileges, and in prejudice to the interests, of England. Remonstrances against such guarantee were strongly urged by Clarendon. He endeavoured to prevent it by instructions to Lord St. Albans and to Downing; and he remonstrated, by letter, to Bastide †, and in personal conference with D'Estrades ‡, in the summer of 1661.

The subject was resumed on D'Estrades' return to London, in January, 1662, when a fresh subject of disagreement was brought forward. Charles wished to establish, and Louis to resist, that acknowledgment of English naval supremacy exhibited in the ceremony of lowering the flag before an English man of war,—a compliment which Henry IV. had conceded to Elizabeth, in consideration of naval assistance. D'Estrades, after a conference with Charles, in the course of which he denied that the example of the necessitous Henry IV. was an apt precedent for the powerful

Negotia-
 tions be-
 tween
 Clarendon
 and D'Es-
 trades.

* Clarendon State Papers. iii. Supp. xiv., xv.

† Ibid. iii. Supp. x.

‡ D'Estrades, i. 127.

P. Louis, was referred, for further discussion, to the Lord Chancellor. No account of this interview is extant, save that which is given by D'Estrades himself, addressed to his sovereign, and secure from contradiction; and we must receive it therefore with a full measure of that caution which *ex parte* statements always demand. Nothing passed in writing,—this mode of negotiation having been forbidden by Louis, on the ground that much may be said in conversation which it would be inadvisable to put on paper, and that, in order to obtain success, it may be expedient to employ reasons which, on some unforeseen occasion, may be turned against oneself.*

Clarendon, according to D'Estrades' account, appeared determined not to yield; stating, that the Parliament would not consent to any compromise; and that the King might rely on the contributions of his people to support him in the assertion of his naval rights. D'Estrades replied, that the King might give orders to his admirals without asking the consent of Parliament, although it might be necessary to communicate to the Parliament an intention of going to war, in order to obtain the requisite supplies; and that, as far as a

* "That I may not be supposed to misrepresent the royal casuist, I subjoin his directions, in his own words:—' Je ne juge pas apropos que vous traitiez par écrit avec le Chancelier Heyde, qui est l'expédient que vous avez proposé pour éviter la nécessité d'un truchement entre vous: on dit beaucoup de choses, de vive voix, qu'on feroit difficulté de mettre sur le papier; et, souvent, pour faire réussir une affaire, vous seriez obligé d'employer des raisons dont en d'autres occasions, qu'on n'auroit pu prévoir, on se prévaudroit contre nous-mêmes.' " (D'Estrades, i. 169.)

compromise, it was not desired by the King his master. "Then," said Clarendon, "you must desire war." D'Estrades replied, that it was his master's wish to avoid a war; but that, if driven to it, he could maintain it long and vigorously. Clarendon rejoined, that there was ample reason to think that France did desire a war; and, if such was the case, it was useless to endeavour to accommodate the question of the flag; that he inferred the wish for war from the intelligence he had received of the intention of the French King to form a treaty with the Dutch, guaranteeing the right of fishing; that such an intention, being injurious to English interests, was opposed in spirit to those protestations of strict amity which England recently had received from France; and, therefore, before any attempt to settle the pending question of the flag, he must ask, on the part of the King of England, what was the will of the French King on the subject of the guarantee? — intimating (said D'Estrades), that this difficulty being first removed, the other might be easily adjusted.* "And now," said D'Estrades, having recounted this conversation in a letter to Louis, "it remains for your Majesty to decide, whether it is better to break with England, being supported by the naval forces of the Dutch, who will willingly lend their aid in consideration of the guarantee; or refuse the guarantee for the

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* D'Estrades, i. 187, 188.

CHAP. "sake of making a favourable arrangement with
 VII. "England on the subject of the flag."

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Louis, confident in his strength, and in the prospect of support which D'Estrades had intimated, allowed himself to give full utterance to his indignation at the threat insinuated by Clarendon. He replied to D'Estrades in a characteristic letter, breathing magnanimous defiance of England, replete with that vain-glorious but chivalrous spirit, and that identification of the honour of the nation with the personal honour of the individual sovereign, which have won for him, more than any other qualities, the unmerited attribute of greatness. "In no part of the world," he said, "would a minister dare to address my ambassador as the Chancellor Hyde has addressed you." "It is indifferent to me, whether the question of the flag is settled or not, for I shall soon put to sea in such force, that the English may esteem it a favour if I listen to any compromise, touching a right which belongs to me more strictly than to them. To the Chancellor's haughty language I reply only, that I seek no settlement of that affair, because I know I can support my right whenever it shall be called in question; and as for the guarantee, I will act as it pleases me, without any reference to the other affair." "With princes who, like me, regard honour and glory as above all other considerations, there were better means for the Chancellor to adopt. I might, perhaps, have been induced to give up the guarantee, if, in-

“stead of speaking with such ‘hauteur,’ he had
 “testified a wish to avoid a quarrel between the
 “two sovereigns. If he had adjured me, by the
 “friendship I had promised to the King his
 “master, not to enter into any agreement which
 “would be prejudicial to the interest of England,
 “it would have been nearly the same thing, only
 “expressed in more civil terms; and I doubt if I
 “could have refused it. But in consequence of
 “this his imperious tone, it is probable that my
 “first step will be to conclude that very engage-
 “ment, on account of which I am thus menaced.”
 “The Chancellor may think I shall not willingly
 “encounter the risk of obliging them to abandon
 “the Portuguese alliance, which I had so warmly
 “advocated, and the defence of Portugal against
 “Spain. I know it is for my interest to prevent
 “such consequences; but I regard it as nothing in
 “competition with a point of honour.” * “The
 “Chancellor is mistaken in his opinion of me, and
 “is not less mistaken in his measures; for, if I
 “must come to extremities with the King of Eng-
 “land on a point of honour, I trust I can put my
 “affairs in such a state, that my side will not be
 “the weakest, even though I contend unaided;
 “and I have reason to believe that I should be

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* It is amusing to contrast this language with the maxims, upon which Louis subsequently advised the Dutch to act, when he wished them to make peace with England. “Quant à l’honneur, on le conserve tous jours quand on sort d’une fâcheuse affaire avec un ennemi plus puissant sans un désavantage que fort médiocre: et après tout, le vrai honneur d’un état consiste plus en son repos et en sa propre sûreté qu’en toute autre chose.” D’Estrades, iii. 297, 298.

CHAP. "well seconded in quarters which the King of
 VII "England least suspects." *

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Before D'Estrades could address the Court of England in the spirit dictated by this letter, he found that Charles was already willing to preclude immediate disagreement on the subject of the flag,—that he had sent a frigate to prevent a rencontre of his fleet with the French, directing the former, if they met, to salute on a footing of equality; and that he disclaimed any intention to render the compliment to his flag a matter of barter against the guarantee. Thus, therefore, was the impending war prevented, and the relations of England and France remained ostensibly friendly as before. †

If the result was not gratifying to the pride of Englishmen, still must we not blame Clarendon, without duly considering the condition of his country. He would have been culpably rash, if, in the unprepared condition of England, and for objects so inadequate, he had involved the kingdom in a war with France. He erred chiefly in attempting to assume a tone which the state of England would not enable him to maintain; and in not having comprehended the character of Louis. It was unwise to allude to war, as if France could be intimidated by the menace of hostilities, which (as was evident to D'Estrades) England was then

* D'Estrades, i. 191—194. Whoever is disposed to admire the tone of this reply must remember that this affected high-mindedness in Louis XIV. was not incompatible with the meanest duplicity.

† D'Estrades, i. 200—205.

too poor to wage. Yet a war with England would have caused the abandonment of objects for which France was solicitous: Clarendon, therefore, might not have erred in relying on this counterpoise, if he had not left out of his calculation the haughty character of the French King. He probably did not expect that the King of France, without pausing to consider the welfare of his people, would have treated a question involving so many important public interests, as if it were one affecting only his personal honour. If however these transactions do not tend to raise our opinion of Clarendon's address as a negotiator, they will at least exonerate him from the imputation of being disinclined to assert the claims of England, and willingly subservient to the influence of France.

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The pecuniary distresses of the Crown induced Clarendon to sanction a measure for which he has incurred more censure than for any other act of his administration. Charles's poverty had obliged him to sue to the Commons, in March 1661, for further aid, in addition to the revenue which the Convention Parliament had settled upon him. They had voted 1,200,000*l.*; but the sum raised fell short of this amount by 265,000*l.*, as was reported by the committee, of which Sir Philip Warwick was chairman.* Large debts were to be discharged. A committee of the Commons, in September 1660, presented a list, amounting to

Pecuniary
distress.

* Warwick told Pepys, in 1664, that the deficiency was 300,000*l.* Pepys, ii. 162.

CHAP. VII. 1,623,798*l.*, which they said the King was “en-
 1662. gaged in honour to see satisfied.” A further
 sum of 673,231*l.* was required for disbanding the
 army; and the dismantled condition of the ar-
 senals required the expenditure of about 800,000*l.*
 in naval and military stores. The Portuguese
 portion had caused disappointment. Tangiers
 and Bombay were sources only of expense; and
 the cost of an armament for the protection of
 Portugal was added to the burthens of England.
 In 1662 an estimate, which made the receipts,
 including hearth-money, amount to 1,201,593*l.*,
 made the expenses amount to 1,437,000*l.** In
 this estimate, the expense of Tangiers, Jamaica,
 and the East Indies, is placed at 100,000*l.*; of
 Dunkirk alone at 113,000*l.* From such a state-
 ment it is evident that little could be afforded
 for the current service; that, if the King were a
 model of prudence, he must still be running deeply
 into debt; that money was grievously wanted; and
 that Dunkirk was a considerable source of ex-
 pense. But Dunkirk was still more expensive
 than the foregoing estimate declared. It appears
 that the pay of the garrison alone was 113,342*l.*
 a year.† Between the Restoration and August
 1662, 229,177*l.* had been issued for the ex-
 penses of that place, exclusive of the charge of the
 navy, and the first expense of the English regi-
 ments‡: and, according to the statement of the
 Duke of Albemarle, on the 8th of August, 1662,

* Parl. Hist. iv. 266.

† See CCXLI., Vol. III. 510.

‡ See CCV., Vol. III. 214.

the whole cost of the place, "*besides the charge of keeping the garrison,*" since it had come into the possession of England, in 1657, was 284,250*l.** CHAP.
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Works were also in progress at Dunkirk, which, according to a letter from Lord Rutherford, the governor, would "cost infinity of monies."† Clarendon's estimate was therefore moderate, when he instructed Charles to state the annual expense of Dunkirk at 130,000*l.*

In the summer of 1662 it was resolved that, in order to relieve the country from this annual charge, and to obtain, moreover, a sum of money, Dunkirk should be sold to the King of France. The parting with Dunkirk does not appear to have been a novel project, then entertained for the first time. Clarendon, in June 1661, mentions, that the King was advised never to part with Dunkirk to the Spaniards‡; and, in the following month, Charles II., in a conversation with D'Estrades, endeavoured to enhance the importance of the place in a tone which suggested to the acute diplomatist the existence of ulterior views.§

Sale of
Dunkirk
proposed.

There are conflicting statements with respect to the author of this unpopular project. Clarendon says it was suggested by Lord Southampton||; and states, in his defence, "that the parting with Dunkirk was resolved upon before he heard of it."¶ Louis XIV. boasts that his ambassador, D'Es-

* Letter CV. Albemarle to Clarendon, Vol. III. 214.

† Letter XCV. Lord Rutherford to Charles II., Vol. III. 193.

‡ Clarendon State Papers, iii. Supp. x. § D'Estrades, i. 123.

|| Life of Clarendon, ii. 243. ¶ State Trials, iv. 484.

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trades, dexterously suggested it to Charles II.* D'Estrades avers that Clarendon told him, that the idea originated with himself, — that the King and the Duke alone agreed with him, — and that he was opposed by Albemarle, Southampton, and Sandwich.† Charles's letter speaks of the business as proposed to him by the Chancellor.‡ Sir Robert Southwell stated, in 1700, that Lord Sandwich, at Madrid, in October 1667, had avowed himself to be the person who first moved the King to part with it §; and Sandwich, in a conversation with Pepys, in February 1666, though he did not call himself the *first* adviser, admits that he was “the greatest,” “though the Chancellor was the “man that would have sold it to France;” saying, “that Spain had no money to give for it.” ||

In weighing the value of these statements, it must be remembered that, though Clarendon was interested in denying that he was the author of the project, yet his denial is corroborated by the testimony of Louis; and that Charles's mentioning his prime minister as the organ of a proposal, does not prove that it originated with that minister; that, although D'Estrades had no conceivable motive for misrepresenting what Clarendon had said to him, yet Clarendon might have misrepresented the sentiments of the other ministers, with a view to enhance the value of concession. Southwell's memory might have deceived him after a lapse of

* Œuvres de Louis XIV. i. 175, 176.

† D'Estrades, i. 286.

§ Clarendon State Papers, App. iii. xxv.

‡ Ibid. i. 280.

|| Pepys, ii. 369.

thirty-three years ; and it is strange that Sandwich (if he had the magnanimity to avow a circumstance so important to Clarendon, over whom impeachment was at that time hanging) did not make his avowal more full and effectual. But, on the other hand, Southwell's statement is in part confirmed by what Lord Sandwich said to Pepys ; and it is conceivable that vanity might have dictated an avowal which Sandwich had not the magnanimity to employ for the exculpation of another.

Clarendon, so recently as the 19th of May, had said in Parliament, that "whosoever unskilfully murmurs at the expense of Dunkirk, and the other new acquisitions, which ought to be looked upon as jewels of an immense magnitude in the royal diadem, do not enough remember what we have lost by Dunkirk, and should always do if it were in an enemy's hands." * This being considered, I cannot, without stronger proof, believe him the original author of an opposite project, which had been decided upon before the end of June : and, upon a review of the evidence, I am inclined to believe that he did not *first* advise the *sale*, but was the author and instrument of its being offered to *France*. This hypothesis will agree with Charles's letter, and with the statements of Clarendon and Sandwich, and is not utterly irreconcilable with that of D'Estrades. At the same time, there is reason to believe that Clarendon did not oppose the measure so long, or so strenuously,

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* Lords' Journals.

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as he afterwards implied ; and though he may originally have disliked it, he soon became a convert, and, from that time, was the principal instrument by which it was carried into effect. His statement intimates that the King's first announcement of the project to his council took place, if not without Clarendon's fore-knowledge, at least without his previous assent.* But, from one of those written communications which passed to and fro between the King and the Chancellor, it appears that, previously to a "close counsell," at which the King was "to break the business of Dunkirk," he received instructions from the Chancellor in what manner he should perform this duty, and what reasons he should allege.†

Of the Continental Powers to which Dunkirk might be offered, France was preferred. To have sold it to the States, would have been to ensure the hostility of France and Spain, and to strengthen a naval and commercial rival. Spain claimed it as of right ; and was scarcely rich enough to purchase. D'Estrades alleged that the disposal of Dunkirk to the English Parliament, which would take upon itself all the expenses without impairing the King's authority, was one of the plans in agitation. But it is not evident how such a plan would have relieved *the nation*, or how the Parliament, when so burthened, could be equally liberal in voting supplies. It was, therefore, resolved that it be offered to

* Life of Clarendon, ii. 243.

† Vol. III. 497.

France. An agent, named Bellings, was despatched by Clarendon, about the end of June, with secret overtures to the French court. The proposition was favourably received; and after the return of Bellings to London, D'Estrades, the ambassador from France to Holland, was (as had been arranged *) invited by letters, of the 27th of July, from Charles and Clarendon, to come to England on his way to the Hague, with an intimation, in general terms, that important matters would then be propounded. D'Estrades accordingly came to London; and, in a letter of the 17th of August, he informed his sovereign that the result of his private conferences (once with the King, and twice with the Chancellor), had been the offer of Dunkirk for twelve millions of livres; to which he had replied by an offer of two millions.†

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From these extreme points D'Estrades and Clarendon gradually approached, maintaining a well-balanced stubbornness in their respective disinclinations to concede. D'Estrades successively offered two millions and a half of livres—three millions—four millions;—then four millions without the artillery and stores, which the Chancellor had valued at one million;—then, at length, five

* D'Estrade's visit to England appears to have been arranged before these invitations were sent. Clarendon wrote thus to Ormond, on July 17.: "Dicke Belins is returned, with as good an account as you can wish; and, if I could speake well of myself, I could tell you I am very well spoken of there. In a worde, Monsieur de Strade, in his way to Hollande, will, the next weeke, make me a visitt for three or four dayes, and then I shall tell you more." (Vol. III. 208.) See also Letters CL and CII., Vol. III. 205, 206.

† D'Estrades, i. 285.

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 1692. millions, of which only two were to be paid immediately, and the remainder by instalments of a million each year, in the course of three years; and, lastly, the payment of the remaining three millions was offered in the course of two years.*

Clarendon, on his part, had, early in the negotiation, lowered his demand to seven millions †, but to this he long adhered; and not till D'Estrades had advanced to three millions did he reduce his terms to six. ‡ At length the offer of five millions was accepted, but on condition of prompt payment; nor did the proffered reduction of the time for the payment of the three millions to two years at first prevail. On this point the negotiation was for a time apparently broken off; and Clarendon (as it appears from a confidential letter to Ormond) sincerely believed that it would and ought to terminate, rather than such a point should be conceded. § D'Estrades asked for a vessel to transport him to Holland, had put his attendants on board, and was on the point of departure, when Clarendon sent Bellings (who had served as interpreter during their conference) to request that D'Estrades would come to him once more. D'Estrades repaired to the Chancellor's house, where he found the King, who proposed, as a compromise, that for the remaining three millions, which were to be paid in two years, Louis should give bills at different dates, which

* D'Estrades, i. 323. 326, 329. 333. 335. 341.

† Ibid. i. 304.

‡ Letter CVIII, Vol. III. 221.

§ Ibid. i. 326.

¶ D'Estrades, i. 342.

Charles might convert into ready money, the French King making good half of whatever was lost by discount. To this D'Estrades replied, that the loss ought to be borne by Charles alone. Clarendon long contended that it should be borne by both; but D'Estrades prevailed on this point, and on these terms they finally agreed.*

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A treaty was at length signed, on the 27th of October, by which Dunkirk was sold to France for five millions of livres, two of which were to be paid immediately, and the remaining three by eight bills, at dates varying from three months to two years; during which time the King of England was to contribute the aid of a naval force, if necessary, for defence against Spain.† By a subsequent agreement, made with Hening, a merchant, and warranted by D'Estrades, the remaining three millions were reduced to 2,500,000 livres to be paid at Paris, and 254,000 in London, “in regard of the recompense and compensation for the advance thereof, and of the carriage to the sea-side.” Alderman Backwell was sent over to Paris to receive the money payable there, which he brought back about the middle of November‡; and, before the close of the year, Dunkirk was given up, and Charles became possessed of all the proceeds of this transaction, amounting to 4,754,000 livres.§

Sale of
Dunkirk.

* D'Estrades, i. 343.

† Ibid. 375—382.

‡ Letter CXIV., Vol. III. 229.

§ See “Warrant and Directions for the Receipt of Money due by the Sale of Dunkirk.” CCXLII., Vol. III. 511. Louis XIV. mis-states the amount of money paid; boasts that he gained 500,000 livres by dis-

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If Clarendon did not first suggest the sale of Dunkirk, he must equally be considered responsible for a measure which he adopted with apparent zeal, powerfully promoted, and ultimately managed. If it be granted that Dunkirk ought to have been sold, and we question only the sufficiency of the sum, it will scarcely be denied that he obtained terms as good as it was possible to obtain. No other country was likely to have given as much as France, nor was it probable that France would have given more. Louis XIV. declared, in a letter to D'Estrades, that it was not in his power to do more * ; and when we trace the slow, reluctant, progress of the undignified chafferings of the respective bargainers, and D'Estrades' willingness to depart rather than accede to prompt payment, we shall find ample reason to believe that Louis wrote sincerely.

Clarendon was charged by Bristol with having been influenced by corrupt motives in negotiating the sale of Dunkirk, and with having secured advantages to himself. It is sufficient to say of this charge, that it is not supported by any evidence which has yet appeared ;—that there is strong presumption against its truth, arising from the tenor and conduct of the negotiations ;—and, above all, that it was not repeated in the articles of impeachment,

counting his own bills, through the aid of a banker, who acted nominally on his own account, but really for the King. (See *Œuvres de Louis XIV.* i. 176, 177.) This does not coincide with the agreement stated in the warrant to Backwell.

* D'Estrades, i. 335.

in 1667; nor does even an allusion to it appear in the reports of the debates on these articles in Parliament, at a time when the enemies of Clarendon were eagerly assailing him with every possible accusation. This proves that, at that time, no such charge could be substantiated; and we may conclude, (in spite of the clamours of the populace, ever ready to listen to a tale of peculation, and who called his splendid new mansion "Dunkirk House,") that among educated persons it was considered frivolous and unfounded.

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It might be urged in defence of the sale, that Dunkirk was a cause of great expense (the yearly amount being more than a tenth of the expenses of the state); that it gave to England no adequate return; that it was neither a strong fortress nor a good harbour; that it was not an ancient well-assured possession, but one recently obtained, of which Spain claimed the restitution as a right, and which it would be at all times difficult to defend, if, in the event of a war, either France or Spain made an effort to take it*; and, moreover, that it became a plea for maintaining a greater military force than the service of the kingdom required.

The objections to the sale rest rather upon the possible harm to English trade, of which, in hostile hands, it might be made the instrument, than upon any positive present good which it conferred. Clarendon, when, in May 1662, he extolled its

* Letter C., Vol. III. p. 203, 204.

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importance, spoke the language of an advocate intent on replying to those who murmured at the cost of our foreign possessions; and he may be accused rather of insincerity in this his previous declaration, than of having sold a place which he believed was so valuable that it ought not to be given up. Time has dissipated much of the delusion which then existed, respecting the value of possessions beyond the sea: and if, at the present day, a sea-port town on the coast of France were held by England, at the annual charge of more than a million (which is less, in proportion to the present total revenue, than the expense of Dunkirk was), it is probable that the exchange of such a burthen for a sum of money, would not be so unpopular *now*, as the sale of Dunkirk was *then*. That the sale offended the national pride, is an argument rather in sound than in reality. Measures which are consistent with the rules of morality, and the maxims of a far-sighted prudence, will not be permanently shaken by the most specious declamations upon national honour. Such a source of unpopularity would be a valid objection if the interests of the *minister* were alone to be considered, but not so in considering the interests of the nation.

It is difficult, in regarding this transaction, to exclude the consideration of subsequent events not necessarily connected with it, and much calculated to warp our judgment. If the money obtained for Dunkirk had been well applied; if the country had been relieved by the removal of this annual

expense, and there had been visible improvement in the finances; if Charles had not disgracefully sunk into the pensioned dependent of the power to which Dunkirk had been sold; if circumstances unconnected with that transaction had not brought on the country embarrassment and dishonour, and on the minister who effected it impeachment and exile, it is certain, that while the character of the transaction, and the culpability (if any) of the agents was precisely the same, the sentence of the public would have been very different.

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We need not regret that England does not retain a possession which, neutralising the advantages of our insular position, would, by affording a footing on the Continent, have probably drawn us still more than we have yet been drawn, into a baneful participation in continental wars,—a possession which must have been a frequent source of jealousy and dispute; and which could scarcely have been retained, but at a sacrifice of treasure and life, for which no advantage it might afford would have been an adequate compensation.

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SAVOY CONFERENCE. — UNSATISFACTORY TERMINATION. — REVISION OF THE LITURGY. — ACT OF UNIFORMITY. — PERSECUTION OF THE NON-CONFORMISTS. — THEY APPEAL TO THE KING'S PROMISE TO SUSPEND THE OPERATION OF THE ACT. — CLARENDON WISHES THE KING TO FULFIL HIS PROMISE. — EXTENT TO WHICH CLARENDON SUPPORTED THE ACT OF UNIFORMITY. — HIS DEFENCE OF THE KING EXAMINED. — HIS ASSENT AND SUBSEQUENT OPPOSITION TO THE EXERCISE OF THE KING'S DISPENSING POWER.

1661—1662.

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1662.

It is necessary to revert to those important public measures, under Lord Clarendon's administration, which had for their object what was called "the settlement of religion." A revision of the Liturgy had been promised in the late Declaration; and, accordingly, a commission of divines was appointed for that purpose, consisting of twelve on each side, with nine assistants to each.*

*Conference
at the
Savoy.*

The first meeting of the Commissioners took place at the Savoy, on the 15th of April. The duration of the conference was limited to four months from the date of the commission (March 25th.); and, at the end of that period, the result

* The twelve on the side of the Church of England were the Archbishop of York and eleven Bishops, of whom Sheldon, Morley, and Hitchman were the most prominent. The selection of the Presbyterian Commissioners was given by Clarendon to Calamy and Reynolds, who, together with Baxter, were the leading persons on that side.

of the deliberations was to be reported to the King in writing. A difference of opinion arose, at the commencement of this inauspicious conference, with respect to the mode of conducting the business. Sheldon, in the name of the other Bishops, stated that the conference was not of their seeking; that alterations were desired only by the Presbyterians; that to the latter it belonged to offer propositions; and that nothing could be done till *all* their objections to the existing law, and all their proposed alterations and additions were exhibited in writing—a stipulation in which, as Burnet intimates, there may have lurked a secret hope that apparent exorbitance on the part of the Presbyterians might become a bar to accommodation of differences. The Presbyterians, on the other hand, objected to the transaction of the business in writing; calling it “a tedious, endless, business,” which would “prevent that familiarity and acquaintance with each others minds, which might facilitate concord.”*

The Bishops, however, insisted on the transaction of business in writing, and prevailed; but they receded from their demand that *all* propositions should be tendered at once; and it was agreed that the Presbyterians should first offer their “exceptions,” and should propose alterations and additions afterwards. The “exceptions” were accordingly tendered on the 4th of May. The chief points objected to were—the observance of

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* Calamy, 158.

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Saints' days, and of Lent; the use of lessons from the Apocrypha; the reading of the Liturgy at the communion-table; the retaining obsolete words instead of employing those now generally received and better understood; the use of the words "priest" and "curate" instead of "minister," and of "Sunday" instead of "the Lord's Day;" want of connection and comprehensiveness in the prayers, and of unity in the petitions of the Litany; the retention of matters confessedly doubtful, even among learned members of the Established Church; the imposition of ceremonies; the repetitions and responses of clerk and people; and to these were added exceptions of a less general nature, and referring to particular passages which they wished to expunge.

Additions and alterations were next to be proposed; and Baxter, in the name of his party, offered the scheme of a reformed Liturgy. This was presented to the Bishops, accompanied by a petition, in which the Presbyterian commissioners besought them to "grant but the freedom which "Christ and his Apostles left unto the churches—" use necessary things as necessary, and unnecessary " things as unnecessary; and charitably bear with " the infirmities of the weak, and tolerate the " *tolerable* while they live peaceably;"—an adjuration just and forcible, if by one qualifying word they had not violated the principle they enforced. But the spirit in which they pleaded was selfish and exclusive; and, in that spirit, they

added, "for the *intolerable*, we beg "not for
"toleration."

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Replies and rejoinders were ineffectually exchanged. The term of the commission was almost expired, when they hastily attempted to contract and simplify the ground of debate, in the hope of arriving at some conclusion. Three disputants were chosen on each side, of whom the chief on the Episcopal side was Gunning; and, on that of the Presbyterians, Baxter, — men ready in speech, and skilled in controversy, but liable to be led into an overweening display of their polemical eloquence. It was determined, in order to narrow the controversy, that the Presbyterians should distinguish between things charged as sinful and those which they opposed only as inexpedient; and that attention should be confined to the former. Eight observances were specified, which the Church enforced, and the Presbyterians held to be sinful.* The general question of *compulsory*

* These were as follow:—“1. That no minister be admitted to baptise without using the sign of the cross. 2. That no minister be admitted to officiate without wearing a surplice. 3. That none be admitted to the Lord’s Supper without kneeling. 4. That ministers be obliged to pronounce all baptised persons regenerated by the Holy Ghost, whether they be the children of Christians or not. 5. That ministers be obliged to deliver the sacrament of the body and blood of Christ to the unfit both in health and sickness, and that by personal application, putting it into their hands, even those who are forced to receive it against their wills, through consciousness of their impenitency. 6. That ministers are obliged to absolve the unfit, and that in absolute expressions. 7. That ministers are forced to give thanks for all whom they bury, as brethren whom God has taken to himself. 8. That none may be preachers who do not subscribe that there is nothing in the Common Prayer-book, book of Ordination, and the Thirty-nine Articles, contrary to the Word of God.” Neal’s History of the Puritans, iii. 88.

CHAP. observance, or, in other words, whether liberty
 VIII. in religious matters should be extended to all
 1662. things not essential, was thus brought under dis-
 cussion. The Bishops maintained, that to com-
 mand an act in itself lawful cannot be sinful.
 Baxter, with greater truth, replied, that the sin
 consisted not in commanding a lawful act, but in
 the restraint unnecessarily imposed on religious
 liberty by forbidding the omission of an act which,
 though lawful, was also indifferent. Man's free
 agency in religious, as in civil matters, ought not
 to be restrained without the existence of an ade-
 quate cause; and it might be regarded as an unim-
 peachable truth, "That whenever the commanding
 " or forbidding of a thing indifferent is like to
 " occasion more hurt than good, and this may be
 " foreseen, the commanding or forbidding it is a
 " sin."* After a protracted discussion, in which
 neither party was convinced, the conference at the
 July 25. Savoy was closed; and it was finally resolved that
 each party might represent to the King that both
 concurred in the ends proposed, but disagreed
 respecting the means. The Bishops made no re-
 presentation; but the Presbyterians drew up an
 account of their proceedings to be presented to
 the King, with a petition for those alterations and
 abatements which they could not obtain from the
 Bishops. "They first," said Calamy, "applied
 " themselves to the Lord Chancellor, and craved
 " his favour to procure the King's Declaration, yet

* Calamy's Life of Baxter, 169.

“to be passed into an Act, and his advice how they should proceed.”* And Calamy adds, that the Lord Chancellor “consented to their giving his Majesty an account of their proceedings in an address; and, when they had drawn it up, perused it; and, after some alterations, it was presented to his Majesty.”†

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After this ineffectual close of the meetings at the Savoy, the King assigned to the Convocation, which he had previously summoned, the task of revising the Liturgy.‡ Many members of the Convocation were adverse to the slightest alteration; but the contrary opinion prevailed, and alterations were made. The most important were as follows:—The restoration of a Declaration against the real presence in the Communion (which had been inserted under Edward VI., but omitted under Elizabeth); the restoration of apocryphal lessons; the addition of saints’ days; the admission of persons not confirmed to communion; release of persons newly married from the obligation to receive the communion, and of the sick from the

Revision
of the
Liturgy.

* Calamy’s *Life of Baxter*, 157—175. Burnet, i. 308—312. Neal’s *History of the Puritans*, iii. 84—81. Kennet, 399—407. 431, *et seq.* 447—501, *et seq.* Baxter complains that the discussion was not carried on with temper and fairness; that he was exposed to much interruption; and adduces as an instance of the captious spirit which prevailed, that, upon his using the word *nation*, Herne, Bishop of Carlisle, remarked, “He will not say ‘*kingdom*,’ lest he own a king.” Calamy, 173.

† Neal says, “It had been debated in council, whether there should be a convocation while the conference at the Savoy was depending; but, at the intercession of Dr. Heylin and others, the court was prevailed with to consent that there should.” Neal, iii. 94.

‡ The King assigned this duty by letter, dated November 22. 1661. See Kennet’s *Register*, 564.

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Act of
Uniformity.

obligation to confess and receive absolution.* Some of the alterations derived their chief importance from being obnoxious to the Presbyterians; and it cannot be inferred from a view of the whole, that conciliation and comprehension were the objects proposed. Still less was any such disposition apparent when the Bill of Uniformity was brought forward in the House of Lords. That Bill required that all clergymen should, under pain of being deprived of all preferment, subscribe a declaration of assent to every thing contained in the revised Book of Common Prayer (including the Psalter and Form of Ordination), which was, within a specified time, to be used in all places of public worship. It also required that all persons should receive Episcopal ordination. Against this condition the Presbyterians had protested in their negotiations with Morley, before the Restoration; and he had endeavoured to render it palatable by proposing re-ordination, on the hypothesis that they had not been ordained already, so that those who thought their first ordination valid might regard the second as null: but much objection was entertained to the admission, even on these terms, of such a symbol of Episcopal domination. The Bishops contended for Episcopal ordination as of Divine right. Clarendon appears to have thought that there were legal arguments in its favour, and that it was essential for investing incumbents with a right to tithe.†

This intolerant Bill was rendered more harsh in

* Kennet's Register, 585.

† See Morley's letter to Sir J. Lauder. Vol. III. p. 110.

its passage through the Commons. No sooner was it read there, says Clarendon, "than every man, according to his passion, thought of adding somewhat to it that might make it more grievous to somebody whom he did not love."* A clause was inserted, requiring from all clerical incumbents, heads and fellows of colleges, professors, schoolmasters and tutors, that they should subscribe a declaration, that it is not lawful, under any pretence, to take arms against the King; that they abhor the traitorous position of taking arms against his person by his authority; and that they renounce the Covenant. Fearing lest only cures should be forfeited, they inserted a clause extending deprivation to sinecures also. The intolerant spirit appeared on this occasion, as on others, to burn most fiercely in the Lower House, and was strongly displayed in the conference which ensued in consequence of disagreement between the Lords and Commons. It had been resolved, in the House of Lords, "that such persons as are put out of their livings by virtue of the Act may have such allowances out of their livings, for their subsistence, as his Majesty shall think fit."† An allowance of one fifth had been made by Elizabeth when she enforced her Liturgy; and the same was granted by the Parliament to those clergy who refused the Covenant. But, notwithstanding these precedents, the Commons refused to make any provision for the Non-

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* Life of Clarendon, ii. 134.

† Lords' Journals, April 7. 1662.

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conformists who were about to be so cruelly deprived. It was the wish of the Lords that the obligation to subscribe should not be extended to schoolmasters and tutors; yet not only did the Commons insist upon this clause, but insisted on the penalties of fine and imprisonment, "to meet with those men who have no living to lose."* It was the wish of the Lords that the King might indulge Presbyterian scruples with respect to superstitious usages, by dispensing with the surplice and the form of the cross. But the Commons stubbornly resisted whatever would render the meditated exclusion less extensive. The Lords had pleaded the King's Declaration in favour of "tender consciences" as contrary to the persecuting spirit of this Bill. The Commons replied, through their organ at the conference, "that his Majesty could not understand the *misleaders* of the people, but only the *mised*. It would be strange to call a schismatical conscience a tender conscience. A tender conscience denoted an impression from without received from another, and that upon which another strikes."† By such miserable sophistry did the Commons of England advocate the persecution of a large portion of their fellow-citizens.

The Lords gave way on almost all the contested points; and the Bill received the Royal Assent.

May 19.

The penalties of this Act were to come into oper-

* Lords' Journals, May 7.

† Ibid. 1662.

ation on St. Bartholemew's day, when every clergyman who had omitted publicly to declare his assent and consent to every thing contained in the Book of Common Prayer was to be, *ipso facto*, deprived of his benefice, and the patron might immediately present another; "as though," says the statute, "the person so neglecting were dead." The day specified was so near at hand, that many copies of the new Liturgy could not be printed and circulated in time to enable any large portion of the clergy to see that book, to the whole of which they were required to give unfeigned assent. This must have been foreseen: but the persecutors were eager for their prey, and the 24th of August had been cruelly fixed, because the tithes were usually paid at Michaelmas. Thus the ejected Non-conformist would lose the income of the past year; and since the Commons had refused the proposed provision for his subsistence, would be turned out perhaps to beggary.*

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August 24.

The day arrived, and the Non-conformists nobly testified their willingness to suffer for conscience's sake. A number, variously stated, but believed to be about 2000, gave up their preferments on this occasion.

Thus, in spite of the hopes of indulgence encouraged by the Declaration from Breda, legalised persecution was extensively enforced. The

* Burnet, i. 317. Lords' Journals. Commons' Journals. Kennet, 680. 689, 690, 747, *et seq.* Neal's History of the Puritans, iii. 110—115. Life of Clarendon, ii. 130—139.

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principle was conceded; and the amount of severity would be thenceforth only a question of degree. The Non-conformists were at the mercy of an intolerant Parliament; and the King's word, which had been powerless to abate this rigour, might be equally inefficient as a protection against any future worse oppression.

The Presbyterians did not submit without appealing to the King, and reminding him of the indulgence he had solemnly promised. Delegates from that party were admitted to his presence; and he was so far won, as to promise to suspend for three months the execution of the Act, if they would consent, during that time, to read the Liturgy. The promise was made unknown to Clarendon, who would have endeavoured to prevent the making it had he been previously informed. A council was summoned to discuss the question, which was attended by the Chancellor and other ministers, the Archbishop of Canterbury, and the Bishops of London and Winchester. The Bishops protested against the King's performance of this promise; "and, for themselves, they desired to be excused for not conniving, in any degree, at the breach of the Act of Parliament, either by not presenting a clerk where themselves were patrons, or deferring to give institution upon the presentation of others."* Clarendon, on the other hand, maintained that the King having made

* Life of Clarendon, ii. 148.

a promise, ought to perform it, although to his own disadvantage; adding, as an argument for the benefit of those with whom this principle had no weight, that many of those clergy who thus consented to read the Liturgy would probably be, by that means, led on to comply with the remaining obligations imposed by the Act; and "therefore," he said, "he should not dissuade his Majesty from "doing what he had promised." The King demanded "the judgment of the lawyers, whether he "could legally dispense with the observation of the "Act for three months," and received from them this answer, "that notwithstanding any thing he "could do in their favour, the patrons might present their clerk as if the incumbents were dead, "upon their non-performance of what they were "enjoined." The project of suspending the Act was therefore abandoned. But the Bishops did not forgive Lord Clarendon's opposition to their wishes in advising the King to fulfil his promise; and the consequence was, as he informs us, "a "greater coldness from some of them towards "him, and a greater resentment from him, who "thought he had deserved better from their functions and their persons, than was for a long time, "if ever, perfectly reconciled." *

It is uncertain to what extent Lord Clarendon supported the Act of Uniformity. No record is extant of his votes and speeches during the passage of that Bill through the House of Lords; and in

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* Life of Clarendon, ii. 150.

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the absence of direct proof, he is entitled to whatever favourable inferences may be drawn from the existence of a milder and more tolerant spirit in that House of Parliament where he presided. Even *there* the chief promotion of this measure is ascribed by Burnet to the Bishops; and Clarendon is charged only with "giving way to the Bishops' project." * If we look at his speech at the close of the session, when the Act of Uniformity received the Royal Assent, and the terms in which, long afterwards, he adverted to this measure in his autobiography, we find the language not of a fierce exulting bigot, but of one who, though adverse to sectarians, and convinced of the abstract rightfulness of a restrictive system, was inclined to apologise for the harshness of the measure, and to appeal with compunction to the stern necessity which had caused it. He tells us, he was "one of those who would have been glad that the Act had not been clogged with many of those clauses" of which the Presbyterians principally complained. † In his speech at the close of the session, under the guise of a compliment, he conveyed a lesson to the Bishops, insisting on the benefits to be expected, less from the operation of coercive measures than from the "great piety and devotion, the moderation, wisdom, charity, and hospi-

* Burnet, i. 319.

† Very different was the spirit of Archbishop Sheldon, to whom the rigour of this Act is chiefly attributable. When the terms of the act were under debate, Lord Manchester said they were so rigid, he was afraid many of the clergy would not comply. Sheldon answered, "I am afraid they will." Kennet's Register, 748.

“tality,” which he makes no question the Bishops will exercise in their several dioceses, in order to “recover the poor misled people:” and he expressed a hope, that “all diligence and dexterity will be used, seriously and heartily to reconcile both clergy and laity, by all means which may prove effectual.”* It is nevertheless plain that his bias was in favour of restriction. After recounting the arguments of the Bishops, (some of whom were against all concession, some favourable to it,) he added, that “what share of reason and appearance of charity the latter opinion seemed to carry with it, the former advice was the more prudent;” and he employed weak arguments, since grown stale with repetition, upon the difficulty of stopping in a course of concession, and the impolicy of imagining that men can be conciliated by granting less than they demand.

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Clarendon's attempt to defend the King against the complaints of the Non-conformists, that he had “violated his promise made to them in his “Declaration from Breda,” demands attention, and shall be given in his own words. “The complaint,” he says, “was urged without any shadow of right; for his Majesty had thereby referred the whole settlement of all things relating to religion to the wisdom of Parliament; and declared, in the mean time, that nobody should be punished or questioned for continuing the exercise of his religion in the way he had been

Clarendon's
defence of
the King.

* Parl. Hist. iv. 250.

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“accustomed to in the late confusions. And his Majesty had continued this indulgence by his Declaration after his return, and thereby fully complied with his promise from Breda; which he should indeed have violated, if he had now refused to concur in the settlement the Parliament had agreed upon, being in no less obliged to concur with the Parliament, in the settlement that the Parliament should propose to him, than he was not to cause any man to be punished for not obeying the former laws, till a new settlement should be made.”*

Before attempting to unravel the mingled truth and fallacy of this defence, let us look at the terms of that Declaration. It declared “a liberty to tender consciences.”—“That no man shall be disquieted or called in question for differences of opinion in matters of religion which do not disturb the peace of the kingdom;” and that the King will “be ready to consent to such an Act of Parliament as, upon mature deliberation, shall be offered to him for the full granting that indulgence.”

This was the extent of Charles’s promises on the subject of religion, as contained in his Declaration from Breda—a Declaration too vague to be of permanent value to those who sought protection under it. It scarcely denoted, with much distinctness even the line of policy which would be pursued, or conveyed more than a general assurance

* Life of Clarendon, ii. 140, 141.

of what was obviously to be expected—namely, that the King, owing his restoration to the Parliament, would *at first* endeavour to govern *with* the Parliament, and not in spite of it.

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It may with truth be said, that Charles, when at Breda, was not entitled by his position and prospects to offer ample promises of indulgence. If he had been heir to an absolute monarchy he might have tendered, as the price of restoration, measures which would emanate from his sole will, and for the performance of which he would be strictly responsible. But Charles was the aspirant to a limited monarchy, dependant in all that was most important upon the proceedings of his Parliament. In his legislative capacity he could exercise no power but by obstruction. He could refuse to pass an oppressive bill: but none can maintain that if, unhappily, the two Houses should persevere in laying before him bills repugnant to the spirit of his declaration, he could safely continue to oppose his veto to their unalterable determination. Excluding his questionable dispensing power, the independent power which remained was small, and little available for the promotion of indulgence in matters of religion. As the fountain of honour, and as the head of the church, he could offer preferments; but the Legislature might annex conditions to the acceptance which would render the offer nugatory. He had a limited power of pardon. He could continue a Parliament favourable to indulgence, or dissolve one which was hostile to it; and he could appoint or dismiss his ministers, with

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reference to their opinions on that subject. But these were indirect means for the performance of the promise, doubtful in their operation, and to which the *letter* could not bind him.

It may be asked, to what extent did Charles *endeavour* to fulfil his promise. He had issued a declaration, the purport of which was comprehension, concession, and indulgence. He appointed a conference of divines of each party for the revision of the Liturgy. He appointed Presbyterian ministers to be his chaplains. To others of that sect he offered bishoprics. He had assumed the exercise of his dispensing power in favour of Non-conformists, by suspending the operation of an act of the 13th of Elizabeth. When the bill for uniformity was in progress through Parliament, attempts were made ineffectually to enable him to mitigate its rigour, by assigning provision for ejected ministers, and by dispensing with ceremonies offensive to the Presbyterians. These circumstances may exculpate Charles from having violated the *letter* of his promise, but they do not prove that he fulfilled its *spirit*. They were merely indications of a friendly disposition, which, if carried no further, tended only to pacify for a time, and, eventually, to deceive. For the unaccommodating spirit of the contending divines, — for the failure of the Savoy Conference, — for the harsh decision of the Convocation, Charles was not responsible. He was not strictly responsible for proceedings in Parliament. But when it is considered that the conduct of the High Church divines, in the Conference, and in the Convocation, was susceptible of influ-

ence from the King and the Chancellor; when, also, the conduct of the King and the Chancellor with respect to the Bill of Indemnity is compared with their conduct on the Bill of Uniformity — how earnestly in the former case the Parliament was entreated to complete the measure, and to be mindful of the King's pledged word and honour; while, in the latter case, a liberal measure, founded on his declaration, was opposed in the Commons by a Secretary of State, and thrown out on the second reading, — it may be inferred that Charles and Clarendon, while anxious for the fulfilment of the former promise, were at least indifferent about the latter, and that, while avoiding the direct violation of an express condition, they were not unwilling that the fulfilment of it should become impossible.

It is probable that Clarendon must always have regarded the exercise of the King's dispensing power as a means for the fulfilment of the promise made from Breda. He knew how limited would be the King's sphere of independent action, and how few and uncertain were any other means which he could have at his disposal. There is no evidence that he would admit this dangerous power, except in ecclesiastical affairs: but he held that the Sovereign, by virtue of his supremacy, as head of the church, did certainly possess it in matters of religion. It had already been assumed in the declaration of October 25. 1660, framed by the Chancellor, wherein it was enjoined, "that none be judged to forfeit his presentation or benefice, or be deprived of it, upon the statute

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“ of 13 Eliz. c. 12., so he read and declare his as-
 “ sent to all the articles of religion, and the doc-
 “ trine of the sacraments comprised in the book of
 “ articles in the said statute mentioned:” and to
 this assumption of authority, which passed unques-
 tioned by the House of Commons, Clarendon sub-
 sequently referred as a performance of the King’s
 promise. When, complying with the intolerance
 of the new Parliament, the King assented to the
 Bill of Uniformity, Clarendon appears to have still
 intended that he should endeavour to perform his
 promise by a further exercise of his dispensing
 power. The following expressions in his speech,
 in May, on the prorogation of Parliament, when
 the King assented to the Act of Uniformity, are
 scarcely susceptible of any other interpretation:
 “ You have done your parts,” said Lord Clarendon,
 addressing the two Houses of Parliament, “ like
 “ good physicians, and made wholesome prescrip-
 “ tion for the constitution of your patients; well
 “ knowing that *the application of these remedies, the*
 “ *execution of these sharp laws, depends* upon the
 “ wisdom of the most *discerning*, generous, and
 “ *merciful* Prince, who, having had more experience
 “ of the nature and humour of mankind than any
 “ prince living, can best *distinguish between the*
 “ *tenderness of conscience and the pride of con-*
 “ *science*; between the real effects of conscience
 “ and the wicked pretences to conscience,—who,
 “ having ‘ fought with beasts at Ephesus,’ knows
 “ how to guard himself and the kingdom from the
 “ assaults and violence of a strong, malicious, cor-
 “ rupted understanding and will, and how to se-

“cure himself and the kingdom from the feeble
 “traps and nets of deluded fancies and imagin-
 “ations. In a word, a Prince of so excellent a
 “nature and tender a conscience himself, that he
 “hath the highest compassion for all errors of that
 “kind, and *will never suffer the weak to undergo*
 “*the punishment ordained for the wicked; and*
 “knows and understands better than any man that
 “excellent rule of Quintilian, ‘*Est aliquid quod*
 “‘*non oportet, etiamsi licet; et aliud est jura spec-*
 “‘*tare, aliud justitiam.*’” *

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So spake Lord Clarendon, who subsequently opposed the exercise of a power to which he had thus favourably adverted. After this period, therefore, it cannot be said that towards the Non-conformists his faith as a minister was maintained; and it becomes an important subject of inquiry, as regards the character of this statesman, what reason for the course which he pursued can be adduced in mitigation of censure. There was, indeed, a reason of no common weight; and it may be stated in few words. He became convinced of the existence of a design of applying this power to the encouragement of the Roman Catholics. He saw the seeds of that fatal scheme of establishing Popery, which was pursued through that and the succeeding reign, and ended in the expulsion of the House of Stuart. Our attention must be directed to the evidence of this design, its development and progress, and its influence on the conduct and fortunes of Clarendon.

* Parl. Hist. iv. 252.

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CHARLES'S SUSPECTED INCLINATION TO CATHOLICISM.—DIVISIONS AMONG THE CATHOLICS.—CONDUCT OF CHARLES.—BENNET BECOMES SECRETARY OF STATE.—CLARENDON'S COMMUNICATION WITH BENNET RESPECTING THE DECLARATION OF INDULGENCE.—CHARACTER OF THE DECLARATION.—CLARENDON'S OPPOSITION TO THE KING'S INTENTIONS.—CHARLES'S DISPLEASURE.—INFLUENCE OF BRISTOL.—HIS IMPRUDENT INTERFERENCE WITH THE COMMONS, AND WEAK DEFENCE.—HE CHARGES CLARENDON WITH HIGH TREASON.—THE CHARGE IS REFUTED, AND BRISTOL DISGRACED.—CONSEQUENCES INJURIOUS TO CLARENDON.

1661—1663.

CHAP. IX. CHARLES was suspected, before the Restoration, of having secretly embraced Catholicism*: and though we may disbelieve the anecdote told by Carte, of his having been seen to attend mass †, or that a project for re-establishing Popery was seriously entertained at the treaty of the Pyrenees ‡, yet sufficient evidence will remain, joined to admissions which lurk in the cautious language of Clarendon §, to justify belief that he was then decidedly biassed in favour of that sect. For some time after the Restoration this secret disposition in the King does not appear to have alarmed the

* Clar. State Papers, iii. 602. Carte's Letters, ii. 264.

† Carte's Ormond, ii. 255.

‡ Kennet's History, iii. 237. Kennet's Register, 852.

§ Life of Clarendon, ii. 105—109.

minister. He did not oppose the King's wish to relieve that sect from the oppressive penal laws which at that time disgraced our statute book. "His gracious disposition towards them," says the historian, "did not *then* appear ungrateful to any. And then, upon an address made to the House of Peers, in the name of the Roman Catholics, for some relaxation of those laws which were still in force against them, the House of Peers appointed that committee which is mentioned before to examine and report all those penal statutes which reached to the taking away the life of any Roman Catholic, priest or layman, for his religion; there not appearing one lord in the House who seemed to be unwilling that these laws should be repealed." *

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Nothing but the existence of divisions among the Catholics appears to have deprived them of the benefit of an indulgence which neither the King nor the Parliament were indisposed to grant. The report of the committee being received, the House of Lords resolved to repeal the statutes which imposed the penalties of treason on Roman Catholic clergy found within the kingdom, of felony on those who harboured them, and of premunire on those who asserted the authority of the Pope; and also to repeal the atrocious statute *De Heretico comburendo*. But it was subsequently resolved, that from the benefits of an in-

* Life of Clarendon, ii. 108, 109.

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tended bill, thus favourable to the Roman Catholic clergy, all Jesuits should be excluded.*

This exception seemed to poison the proposed indulgence. Lukewarmness and divisions immediately ensued, effected either by the excluded Jesuits or by the Roman Catholic laity, who felt small interest in a measure by which they were not exempted, as recusants, from fine and forfeiture, and which, if they allowed it to be considered as a sufficient boon, might preclude the hope of further relief. The committee of Catholics, which had been for some time sitting at Arundel House, and had petitioned against the penalties to which they were exposed, discontinued their meetings; and the bill, which had been brought into the House of Lords, was suspended at the request of the Roman Catholic peers.†

Still there was a growing persuasion of the King's leaning towards Popery, — a persuasion sufficient to induce the Parliament to make it penal to say that he was a Papist, or popishly affected. His determination not to marry a Protestant; his actual union with a Catholic Princess; the avowed conversion to Popery of his favourite, Lord Bristol, and of his mistress, Lady Castlemaine; and the appointment of

* Burnet says, "the Earl of Clarendon set this on; for he knew well it would divide the Papists among themselves." He does not give his authority for this statement, and the foreknowledge of a result by no means obvious, which he thus ascribes to Clarendon, is very questionable.

† Life of Clarendon, ii. 109—112. Lords' Journals, June 10, 21, July 5, 16. Kennet's Register, 469, 476, 477, 484, 485, 495—499. Burnet, i. 335.

Bennet, a known favourer of the Roman Catholics, to the secretaryship of state, in the place of Nicholas,—all these circumstances, although to one, like Clarendon, intimately acquainted with the King, they could perhaps throw little additional light upon his real disposition, yet, when combined, they rendered the existence of such a disposition more seriously important. It might, at length, become advisable to resist that which it had been previously deemed sufficient to disavow. That the King had the will to restore Popery might have been known long; but only now might it be feared lest he should obtain the power to do it.

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Charles seems to have exercised considerable address for the attainment of his secret wishes. He had favoured the inclinations of the Episcopal party; he had accepted, without remonstrance, the intolerant provisions of the Act of Uniformity; he had complacently seen restriction and severity substituted for that indulgence which he had promised in his declaration from Breda; he had concurred in measures which would increase the number of the Non-conformists; and he thus acted in co-operation with the High Church party, for the ultimate attainment of an object to which that party was violently opposed. If such liberal terms had been made with the Presbyterians as would have effected the comprehension of a large portion of that class within the pale of the Church of England, it is evident that the Church party, fortified by the accession of men who, while re-

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quiring toleration for themselves, had denounced Papists as *intolerable*, would have resisted successfully any attempt to grant indulgence to the Roman Catholics. Relief to the latter could be obtained only by associating them and the Presbyterians in one common cause; denying to the Presbyterians that toleration which they had denied to others*; compelling them to sue for indulgence together with the Papists; swelling the lists of the persecuted party; and sending up a cry to the sovereign for the exercise of his dispensing power, in performance of the promise he had made from Breda, — a cry plausible in its tenor, and probably of sufficient strength to gain for *all* that indulgence which the Catholics *alone* and unsupported, could not hope to obtain.

The Catholics saw the advantage which the course of events was procuring for them. They had feared an union of the Church of England with the Presbyterians. They now exulted in the severities which had made so wide a breach between these parties. After St. Bartholomew's Day, when 2000 non-conforming ministers had been driven forth to beggary, Lord Bristol, an avowed convert to Catholicism, convened at his house a secret meeting of the chief persons of that persuasion. He told them the time was come when they must press their suit; they must make exertions, not

* In justice to the Presbyterians, it must be said that persecution did not induce them to desert their principles; and they would not ask indulgence for Papists, even while they were fellows in misfortune. See Calamy's Life of Baxter.

ostensibly for themselves alone, but for *all* the suffering Non-conformists, and obtain toleration in such general terms that they themselves might be included. These designs were powerfully aided by an ally who was not present at this meeting—Sir Henry Bennet, recently appointed Secretary of State in the place of Nicholas. Nicholas, the friend of Clarendon, an old and valuable servant of the crown, had been induced by solicitation and a large pension to retire on the plea of age; and Bennet, a favourer of the Roman Catholics, was installed in that important post. Bennet had been ambassador in Spain before the Restoration; had been with the King at Fontarabia, when the design of restoring Popery was supposed to have been entertained; and appears to have favoured the project of a stricter alliance with Spain, and a disavowal of the independence of Portugal. On his return from Spain, he had been made Keeper of the Privy Purse; had been much at court, and by his social qualities had secured the favour of the King, whose temper, Burnet says, he had the art of managing beyond all other men of that time.* In a letter written by Bennet to the King before the Act of Uniformity came into operation (and in the course of which letter he endeavours to encourage in the King a disposition to govern by military force), he slightly alludes to the project

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* Burnet, i. 170. Clarendon says that Bennet was unversed in business, and "knew no more of the constitution and laws of England than he did of China." (Life of Clarendon, ii. 204.) Burnet says that he was "solid, but not quick."

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of a Declaration of Indulgence.* In the course of the autumn of 1662 this plan was more fully developed. The question of indulgence was argued before the Council, when Bennet, supported by Lord Robartes, maintained that the King, as head of the church, possessed the right of suspending penal laws in matters of religion. A declaration, founded upon this proposition, soon followed; the framing of which is attributed by some to Bristol, by others to Bennet. Lord Clarendon's amount of foreknowledge and approval may be estimated by the following letters, addressed, in January, 1663, the former by him, the latter by Bennet, to the Duke of Ormond:—

“I could not,” says Lord Clarendon, “give you any account of the declaration, knowing no more of it myself than that one day, when I was in great pain, Sir H. B. came to me, and told me that the King observed a great spirit of malice abroad, infusing jealousies into the people; and, therefore, that his Majesty resolved, as an antidote against that poison, to publish a declaration which was prepared, and he was sent to read it to me. I was surprised, having never heard word before of such a purpose. When I had heard it, I made many objections against several parts of it, and some doubt of the seasonableness. Sir H. B. departed. Some time after, when I was in the same indisposition, he came again to me, told me he had made

* See Letter XCVIII., Vol. III, p. 197.

“such alterations as he thought would answer all
 “my objections, and that the King resolved that
 “it was time to publish it, and then read it again
 “to me. I told him by that time he had writ as
 “many declarations as I had done, he would find
 “they are a very ticklish commodity; and that
 “the first care is to be that it shall do no hurt.”*

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“The declaration,” says Bennet, “is as much
 “approved by some as condemned by others; and
 “this latter by those that pick quarrels against it,
 “either from the supposed author, or from a
 “further meaning than it discovers. Whatever is
 “said otherwise of it, nobody can affirm with more
 “truth than I, that my Lord Chancellor had it
 “distinctly read twice to him, period by period;
 “and not only approved it, but applauded the
 “contents of it, and assured me it was entirely
 “according to his mind. Your Grace may judge
 “by this how falsely it is suggested that his Lord-
 “ship was not privy to it.”†

Of these two conflicting statements, that of Lord Clarendon is supported by the circumstance of being in unison with his subsequent conduct. Bennet's statement is not equally probable; and the design with which it was framed is evident. Alarmed at the growing unpopularity of the declaration, he endeavoured to load the Chancellor with some portion of the burthen. The

* Clarendon to Ormond, Vol. III. p. 233.

† Bennet to Ormond, Vol. III. p. 232.

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rumour had gone forth that he was not originally privy to the measure, which rumour Bennet endeavoured to disprove by stating that when prepared it was twice read over to him. He tacitly confirms Lord Clarendon's statement, that he had not participated in its original formation. He can say no more than that the Chancellor had *twice* heard it read. Why it should have been *twice* read we learn only from Lord Clarendon's letter, wherein he states that it was taken back and altered, and read to him a second time in consequence of the objections he had made to it at first. Bennet is not only silent on this point, but records the double reading, as if it were a mark of that approval which, if the interview had no witnesses, it was not dangerous to assert.

The declaration, which was published on the 6th of December, was ably and artfully constructed; the real design being carefully enveloped and mingled with much that was plausible and popular. It seemed to appeal to the judgment of the public, with the ostensible object of defending the King's government from "great scandals" which had been cast upon it. First, It repelled the scandalous opinion that the Act of Indemnity was intended to be only temporary, and that the King would not persevere in maintaining its provisions. Secondly, It replied to the "scandal" that the King designed to maintain an augmented standing army, under the pretence of suppressing insurrection, and to govern eventually by military

force. Thirdly, It replied to the charge, that the King, by his assent to the Act of Uniformity, had violated the promises of his declaration from Breda. The Act of Uniformity, it stated, was requisite for the settlement of the church. His promise was not thereby violated, and the King still intended to fulfil it; and “as, in the first place, he had been zealous to settle the uniformity of the Church of England in discipline, ceremony, and government, and shall ever constantly maintain it; so as for what concerns the penalties upon those who, living peaceably, do not conform themselves thereunto, through scruple and tenderness of misguided conscience, but modestly and without scandal perform their devotions in their own way, he should make it his special care, so far as in him lay, without invading the freedom of Parliament, to incline their wisdom, next approaching session, to concur with him in making some such Act for that purpose, *as may enable him to exercise, with a more universal satisfaction, that power of dispensiōg which he conceived to be inherent in him.*” This, the great object of the declaration, having been thus insinuated, the King proceeded to rebut the fourth “great scandal,” namely, that he was a favourer of Papists. To this he replied, that this was only a repetition of the clamour raised against his father; that his constancy in the profession of the Protestant faith ought to secure him from such a calumny; that he shall not scruple to maintain a just sense of the services and

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loyalty of any Roman Catholics to his father and himself; and that it is not his intention to exclude his Roman Catholic subjects from the benefit of any such act as, in pursuance of his promise, the Parliament shall think fit to offer to him “for the ease of tender consciences;” and that it would be grievous to consent to the execution of capital laws now in force against them. “But,” the declaration adds, “at the same time that we declare our little liking of those sanguinary ones, and our gracious intention already expressed to such of our Roman Catholic subjects as shall live peaceably, modestly, and without scandal; we would have them all know that, if, for doing what their duties and loyalties obliged them to, or from our acknowledgment of their well-serving, they shall have the presumption to hope for a toleration of their profession, and our taking away either those marks of distinction or of our displeasure which in a well-governed kingdom ought always to be set upon departure from the religion of the state, or to allow the least concession in the strictness of those laws which either are or shall be made to hinder the spreading of their doctrine to the prejudice of the true Protestant religion; or that upon our expressing (according to Christian charity) our dislike of bloodshed for religion only, priests shall take the boldness to appear and avow themselves to the offended scandal of good Protestants, and of the laws in force against them; they shall quickly find we know how to be severe

“ when wisdom requires, as indulgent when charity
 “ and sense of merit challenge it from us.” *

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After having thus endeavoured to cloak his purposes, and to calm the fears of Protestants, he concluded with holding out four remedial purposes:—1st. The punishment of impiety and licentiousness. 2dly. To restrain excess in expense, “ as well by exemplary laws *as by our own example of frugality.*” 3dly. “ To perfect what “ we have already begun in the retrenchment of “ all our own ordinary and extraordinary charges ;” and, 4thly, “ To improve the good consequence “ of these three particulars to the advancement of “ trade.”

The nation was not blinded by the plausibility of this declaration; and so strongly was distrust made manifest, even before the meeting of Parliament, that the King, in his speech on opening the session, found it expedient to explain that he was far from intending a toleration of Papists, or a qualifying them to hold places of trust in the government; and that he even desired some laws might be made to hinder the growth and progress of their doctrine. He again professed his zeal for Protestantism, and approbation of uniformity; adding, “ yet if the Dissenters will de-
 “ mean themselves peaceably and modestly under
 “ the government, I could heartily wish I had
 “ such a power of indulgence, to use upon occa-
 “ sions, as might not needlessly force them out of
 “ the kingdom, or staying here, give them cause

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* Kennet's Register, 851.

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“to conspire against the peace of it.”* Having promised assent to new laws against Popery, he endeavoured to render the promise nugatory, and caused a bill to be brought in, and supported by Lords Robartes and Ashley in the House of Lords, to enable the King to dispense with all laws requiring subscription or obedience to the doctrine and discipline of the Established Church. The Commons, eager to resist this attempt, would not wait till the obnoxious bill could be brought before them, but embodied their objections in an address to the King, drawn up by a committee, of which Finch, the Solicitor-General, was chairman. The address set forth, “that it is in no sort advisable “that there be any indulgence to such persons “who presume to depart from the Act of Uniformity and religion established;” that such indulgence will “establish schism by law;” will be unbecoming the wisdom of Parliament, as weakening the execution of its laws; will expose the King “to the restless importunity of every sect;” “will be a cause of increasing sects and sectaries,” who will, “as their numbers increase, be yet more “troublesome, that so at length they may arrive “to a general toleration, which your Majesty hath “declared against; and, in time, some prevalent “sect will at last contend for an establishment “which, for aught can be foreseen, may end in “Popery.” “It is a thing altogether without “precedent, and will take away all means of cor-

* Lords' Journals.

“recting recusants, and be inconsistent with the
 “methods and proceedings of the laws of Eng-
 “land;” and, lastly, it will endanger the peace of
 the kingdom, by giving confidence to the sect-
 arians. With respect to the declaration from
 Breda, the Commons were of opinion that it was
 not a promise, but only a declaration of the King’s
 intentions to do what in him lay, and what a Par-
 liament should advise him to do; “nor could it
 “be otherwise understood, because there were
 “laws of uniformity then in being which could not
 “be dispensed with but by Act of Parliament;”
 that they who pretend a right to that supposed
 promise put their right into the hands of their
 representatives, who have passed the Act of Uni-
 formity; and that to maintain “that a right to
 “the benefit of this declaration doth still remain
 “after this act is passed,” dissolves the bond of
 government, and supposes a disability in the King
 and Parliament to make a law contrary to any part
 of the King’s declaration.*

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In the House of Lords the bill was opposed by
 Lord Southampton and the bishops. Clarendon,
 who during this winter had been severely afflicted
 with gout, was prevented by illness from attending
 on the first day’s debate: but his zeal induced
 him, in spite of illness, to be present at the ad-
 journed debate, when, in a forcible speech, he
 offered the most uncompromising opposition to
 this favourite measure of the King. This oppo-

* Commons’ Journals, Feb. 27, 28. 1663. Parl. Hist. iv. 260—263.

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sition was successful, and the consideration of the bill was not resumed. Charles seems to have been alarmed by the storm he had raised; to have felt the hopelessness of his project; and to have evinced, for a time, displeasure against Clarendon, the principal author of its failure.*

The Parliament were not yet satisfied. The King in his declaration had promised to co-operate with them in suppressing Popery, and of this promise they required the fulfilment. First a petition from both Houses besought him to issue a proclamation, commanding all Jesuits and Popish priests to quit the kingdom by a stated day, under pain of suffering the penalties of the law, (“except such foreign Jesuits or priests as by contract of marriage are to attend the persons of either of the queens, or, by the law of nations, to attend foreign ambassadors,”) — to which the humbled monarch promised compliance, telling them that his proclamation “shall be effectual at least to a greater degree than any proclamation of this kind hath ever been.”

April 27. Next, two bills were passed in the Commons, — the one to check the growth of Popery, — the other levelled against the non-conformists. But their progress was arrested in the Lords; and when the Parliament was prorogued in July, the Speaker was obliged to express his regret that, “these fruits are not yet ready for the harvest,” and in default of these, to beseech the King to issue a procla-

* See Clarendon to Ormond, Vol. III. p. 243.

mation “for the putting those laws which now are
 “in force against the Popish recusants, sectaries,
 “and non-conformists, in effectual execution.” *

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Thus far the designs of the King and Bennet for the re-establishment of Popery had been signally unsuccessful, and had ended only in bringing down in fuller measure upon the Roman Catholics the vigilant jealousy of the Parliament. But Bennet though disappointed was not disheartened, and he tried to convert his defeat into a weapon of annoyance to his opponent, Clarendon; and to represent as emanating from his influence the prevalence of a spirit so hostile to the King's views.

“I am sorry,” said Lord Clarendon, on the 11th of April, in a confidential letter to Ormond “you have so much reason to think me too sanguine in my hopes and imaginations, and the more so sorry because I was not without reason for that imagination,—but by it you see that I had cause enough for that passion, which I expressed when we were last together, with the King at Hampton Court; and the truth is, since your departure, I have had so unpleasant a life, as that for my own ease and content I rather wished myself at Breda, and have hardly been able to restrain myself from making that suit. I know not what Sir H. Bennet means by provocation and resentment; but he hath credit enough to persuade the King, that because I did

* Commons' Journals.

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“ not like what was done, I have raised all the evil
 “ spirit that hath appeared upon and against it,
 “ which I think you will absolve me from; for,
 “ without doubt, I could as easily turn Turk as
 “ act that part. On the contrary, God knows I
 “ have taken as much pains to prevent these dis-
 “ tempers, as if I had been the contriver of the
 “ counsels. I did in truth believe that the King
 “ had been satisfied with my protestations in that
 “ kind, not because I made them, but because he
 “ knew my nature and passion for his service could
 “ not admit such corruption. But Sir H. Bennet
 “ and his friends have more credit, which I do not
 “ envy them, except for our poor master’s sake;
 “ for he doth every day so weak and unskilful
 “ things, as he will never have the reputation of a
 “ good minister, nor is in any degree able for that
 “ province.”*

Successful as Clarendon had been, and strong as he had seemed through the support of the Parliament, yet to those who watched the changes of the political barometer his power at this time was apparently declining; and it is a remarkable proof, how much court favour was deemed more valuable than parliamentary influence, or how unable or unwilling a Parliament was deemed to exert its power in the support of a falling minister, that the time-serving creatures who prowled about the court, and anxiously watched its signs and changes, began to shun the Chancellor, lest to

* Letter CXXII., Vol. III. p. 244.

be associated with him might be unfavourable to their own advancement. There was defection even among his friends. Sir George Carteret is said by Pepys, on the authority of Coventry, "to be observed to tack about at court, and to endeavour to strike in with the persons that are against the Chancellor."* Lord Sandwich, who, not twelve months before, had professed to Clarendon the warmest gratitude for past favours, and the most "faithful" and affectionate service" in return for "infinite obligations†" imparted to Pepys about the end of April that Lord Clarendon was "irrecoverably lost;" that Bennet and Bristol and their faction were likely to carry all things against him; but inasmuch as he owned the Chancellor to be a most sincere friend, and to "have been his greatest," he magnanimously resolved that he would "not *actually joyne* in any thing *against* the Chancellor, but *passively carry himself even!*"‡

Pepys also records that in May Clarendon's fall was still thought inevitable by those who watched the aspect of the court. "It seems the present favourites now are my Lord Bristol, Duke of Buckingham, Sir H. Bennet, my Lord Ashley, and Sir Charles Berkeley; who amongst them, have cast my Lord Clarendon on his back past ever getting up again, there being now

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* Pepys, ii. 57. Lord Ashburnham, in that laboured invective against Clarendon which he deemed essential for the "vindication" of his own ancestor, has accused Clarendon of subsequent coldness and ingratitude towards this same Sir G. Carteret.

† Vol. III. p. 191.

‡ Pepys, ii. 27.

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 1663. “ little for him to do ; and he waits at court at-
 tending to speak to the King as others do.”*
 In the mean time, says Pepys, “ the King do mind
 nothing but pleasure, and hates the very sight or
 thought of business. If any of the counsellors
 give him good advice, and move him to any thing
 that is to his good and honour, the other part
 which are his counsellors of pleasure, take him
 when he is with my Lady Castlemaine, and in a
 humour of delight, and then persuade him that
 he ought not to listen to the advice of those old
 dotards or counsellors that were heretofore his
 enemies, when God knows ! it is they that now-
 a-days do most study his honour.”†

Charles appears at the same time to have been more neglectful towards the Queen and more openly profligate in his attentions to Lady Castlemaine, bestowing on her marked notice in public, carrying her with him to St. George’s feast at Windsor, and lodging her at Whitehall in an apartment next to his own. He also began to outrage propriety and infringe on the presumptive rights of his brother, as well as on those of any children the Queen might bear to him, by treating the Duke of Monmouth with honours due only to a legitimate son.‡ The King appears to have felt himself emancipated from the control of Clarendon, and, during that minister’s temporary disgrace, to have followed only the vicious bent of his unbridled will. His chief associates were clever, ambitious,

* Pepys, ii. 38.

† Ibid. ii. 37.

‡ Ibid. ii. 22, 25, 26, 34.

profligate men, the bitter enemies of Clarendon. Three of them, Ashley, Buckingham, and Bennet, were afterwards members of the infamous cabal; Berkeley was the unmanly libeller of the Duchess of York; and a fifth, still strong in courtly favour, was the versatile Bristol. It cannot be doubted that this party desired the removal of Clarendon from power; and their intrigues against him might * probably have succeeded, if the scheme had not been marred by the violence of Bristol, and his eagerness to improve that influence which past events had tended to promote. He thought he could best effect this object, by ministering to the King's pecuniary necessities, and by making himself the ostensible instrument of obtaining a liberal supply from the Commons, and of appeasing its just dissatisfaction. Charles's extravagance excited murmurs; and so unwilling were the Commons to grant money, that Charles was obliged to sue to them urgently for an immediate supply, and obtained only a reluctant vote of four subsidies.†

Bristol had previously conferred with the King on this reluctance in the Commons, complained to him of mismanagement on the part of those to whom his interests in Parliament were confided, and engaged, if intrusted with that business, that the

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* Pepys, ii. 113.

† This grant was memorable from the circumstance of its having been the last time that money was voted in that form. The sum was not great, and yet, says Pepys, it was "parted withal with great hardness;" the Parliament "being offended to see so much money go, and no debts of the public's paid, but all swallowed by a luxurious court." Pepys, ii. 60.

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 1663. the name of Sir Richard Temple as the member
 through whose agency under his direction these
 promised benefits would be obtained. Bristol
 could not usurp these functions without exciting
 jealousy and displeasure in those by whom they
 were then exercised. From the Restoration to the
 commencement of this session, the King had re-
 ferred the conduct of his affairs in Parliament to
 the Lord Chancellor and Lord Southampton, “who
 “had every day conference with some select
 “persons of the House of Commons, and with
 “these they consulted in what method to proceed
 “in disposing the House sometimes to propose,
 “sometimes to consent to what should be most
 “necessary for the public; and by them to assign
 “parts to other men whom they found disposed
 “and willing to concur in what was to be de-
 “sired.”*

Two men were now in Parliament and in office
 (Sir Henry Bennet and William Coventry) who
 had become participators in these counsels, and
 on whom the execution of what was planned had
 in great measure devolved. Both were hostile to
 the Lord Chancellor, and the latter “always very
 “acceptable and well heard” in the House, and
 enjoying the “reputation of an able man.”†
 Against Coventry therefore as one of the con-
 ductors of the business of the government in the

* Life of Clarendon, ii. 197.

† Ibid. ii. 203.

House of Commons, the censures of Bristol were peculiarly directed. Coventry was not friendly to Clarendon; but there was at this time a bond of sympathy in their being alike exposed to the censure of the Commons for the sale of offices, a practice sanctioned by custom*, but which the Parliament now investigated, and justly reprehended. At such a time Coventry was peculiarly tenacious of his parliamentary functions, and keenly suspicious of an endeavour to supplant him; and his general wish to oppose Clarendon was merged in the sense of what was more immediately due to his own interests. On the 13th of June Coventry informed the House of Commons that the King had commanded him to impart to the House "that a message was delivered to his Majesty by *a person of quality* from Sir Richard Temple to the effect following, 'that if his Majesty would take his advice and intrust him and his friends, he would undertake his business should be effected and revenue settled.'" A committee of inquiry was appointed; and it was resolved that the King should be humbly besought to name the person who had delivered the message.

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June 20.

* Proofs are not wanting of the prevalence of the practice; among which I may cite the following extract from a letter of Garrard to Strafford, in 1637:—"I told your Lordship, in my last, that Mr. Cæsar, one of the Six Clerks, was dead. Two have offered for the place, one 8000*l.*, the other 9000*l.*; whereas formerly, eight or nine years since, 6000*l.* was but ordinarily given. At the latter end of the Earl of Portland's time, he being Treasurer, a bill being afoot in the Star-Chamber against the Six Clerks for extorted fees, a contract was made, but not finished, with these Clerks for 15,000*l.* paid to his Majesty; so their several bills to be taken off the file, and reversions of their places granted unto their sons, or whom else they should name, under the broad seal of England." Strafford Letters, ii. 141.

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 1663. The King told them that it was Lord Bristol, who was thereupon informed of what had passed; and it was demanded whether, in delivering a message so offensive to the independence and dignity of the Commons, he had been authorised by Sir Richard Temple.

July 1. Bristol in reply craved leave that he might be admitted to explain in person. The request being complied with, he addressed the Commons at considerable length. He exculpated Temple, but confessed that he had employed his name; then tried to explain and render venial the offence of "undertaking;" then wandered from the question, and endeavoured to defend himself against the imputation of being an enemy of the Church of England, saying he was "a Catholic of the church of Rome, but not of the court of Rome—a true Roman Catholic as to the other world, but a true Englishman as to this." He also adverted to another ground of prejudice against him, — that he was the holder of vast grants, and had thereby contributed to the King's necessities; in reply to which he admitted that the King's gifts had been great in proportion to his merits, and that nothing he had asked for had ever been refused; and that, as for the straits the King was in, they were the consequence of "the largeness and kindness of his royal heart." After this defence of himself and his king before a House of Commons then writhing under the generous errors of that "royal heart" in its lavish expenditure on unworthy favourites,

Lord Bristol concluded with what was meant for a noble sacrifice of self, but which seemed only a theatrical exhibition of mortified vanity. He assured the Commons that if his access to the King was considered a source of danger to them he would banish himself from the country; "and," he added, "shall once more try my fortune abroad, where I trust this sword, this head, and this heart, shall make me live as heretofore with lustre to myself and some honour to my nation." The House professed to be satisfied; but Bristol had injured himself by his speech. The Lords were offended, because it had been addressed to the Commons without leave being previously asked of the upper House. The Court condemned it; and the theatrical manner in which it was delivered seemed to have rendered it a subject of ridicule.*

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Regardless of declining credit, and, perhaps, made desperate by a sense of failure, Bristol determined, in the ensuing week, to strike a blow which he had long meditated† against the power and character of Clarendon, by exhibiting against him articles of high treason in the House of Lords. This project, was previously communicated by Bristol to the King, "who took much pains," says Burnet, "in a soft and gentle manner, to dissuade him from it. But he would not be wrought on. And he told the King plainly, that if he forsook him he would raise such disorders that all England should feel them,

* Pepys, ii. 61. 65.

† See Letter CXXIII., Vol. III. p. 245.

CHAP. "and the King himself should not be without a
IX. "large share in them."*

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Burnet suggests that Bristol knew the secret of the King's religion; and attributes to this knowledge the boldness of Bristol and the timidity of Charles. Lord Clarendon supports this testimony by his statement, that Bristol used threatening language, saying "many truths which ought to have been more modestly and decently mentioned," which the King heard in much confusion, and without his wonted "presence of mind;" and Bristol admits, in a letter written three years afterwards, that he was guilty of "rash and foolish behaviour" in this his last private interview with the King.†

On the 10th of July Lord Bristol brought forward, in the House of Lords, his charge against Lord Clarendon of high treason and other misdemeanours. The charge set forth that Clarendon, "having arrogated to himself a superior direction in all his Majesty's affairs, both at home and abroad, had abused the said trust in manner following:— That he had insinuated that the King was inclined to Popery, and had a design to alter the established religion;—that he had said the King had given 10,000*l.* to remove Nicholas, a zealous Protestant, that he might bring in Bennet, a concealed Papist;—that several near friends and dependents" of Clarendon "have said aloud, 'that, were it not for my Lord Chancellor's standing in the gap, Popery would be

* Burnet, i. 339.

† See Letter from Lord Bristol to Charles II., Vol. III. p. 441.

“ ‘introduced ;’ ” — that he had applied to the Pope for a Cardinal’s cap for Lord Aubigny, “ promising, in case it should be obtained, exemption to the Roman Catholics from the penal laws in force against them ; ” — that he had concluded the King’s marriage without due agreement how it should be solemnised, “ whereby the Queen refusing to be married by a Protestant, either the succession should be made uncertain, or the King exposed to the suspicion of having been married by a Romish priest ; ” — that he and his adherents had uttered gross scandals against the King’s course of life, “ such as are not fit to be mentioned, unless necessity, in the way of proof, shall require it ; ” — that he had given out that the King intended to legitimise the Duke of Monmouth ; — that he had persuaded the King to withdraw from Scotland the English garrisons, and demolish the forts there ; — that he advised and effected the sale of Dunkirk ; — that he had told the King that the House of Lords was “ weak and inconsiderable,” and the House of Commons “ weak and heady ; ” — that he had “ enriched himself and his creatures by the sale of offices ; ” — that he had converted to his own use vast sums of money raised in Ireland ; and that he procured the Customs to be farmed at low rates, and shared the profits.*

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* Parl. Hist. iv. 276—280. State Trials, vi. 304—312. In a letter to Lord Herbert, dated July 11., two charges are mentioned which do not appear in the printed copy : — “ That he had acted as a public minister without order, and sent to the Governor of Bombay not to

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The effrontery with which some of these charges were advanced was equalled only by the folly. The imputing to Clarendon's advice the withdrawal of the garrisons from Scotland, a measure to which he is known to have been adverse, is one of the points, in this weak farrago of indiscriminate accusation, which lead us to doubt the accuracy of the statement in Macpherson's extracts from the autobiography of James II., that Bristol, though after the Restoration "not of the privy council, "was trusted with all the secrets as before." It is more probable that in ignorance of the under current of affairs, he should have rashly assailed Clarendon with the authorship of any measure which he perceived to be unpopular, than that he should knowingly have exposed himself to immediate confutation by such a weak and audacious falsehood. To these flimsy accusations, Lord Clarendon immediately replied, in a speech which unfortunately has not reached us. It is stated in Talbot's letter to Lord Herbert, that he "stood up and answered "to every particular of the charge, and affirmed, "that if there were one article could be proved, "(except in the sale of offices, wherein he had "acted no otherwise than his predecessors for 100 "years, and what he could justify by law,) he "would acknowledge himself guilty of the whole

"deliver it into the King's hands, or to that effect;" and also that he "had made a disadvantageous peace with Holland, for which he had "received 60,000*l*." We also find it stated, that he was charged with having gained 100,000*l*. by the sale of Dunkirk.

“charge.”* We learn also from his own statement, that he asked if Bristol did not know these charges to be false; denied that, if proved, they would amount to high treason; and desired that the judges might be consulted on that point.

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The Lords referred the charge to the judges, desiring them to report whether it had been regularly and legally brought in, and whether there be treason in it or not. The judges unanimously returned an answer, that the charge had not been regularly and legally brought in, inasmuch as a charge of high treason cannot be originally exhibited to the House of Peers by any one peer against another; and that if the charges were admitted to be true, yet there is not any treason in them. The King, on the same day, in a message to the Lords told them, that in Bristol's charge “he finds many matters of fact charged, “which upon his own certain knowledge are untrue,” and “many scandalous reflections upon “himself and his relations, which he looks upon as “a libel upon his person and government.” The Lords resolved unanimously, that they concurred with the judges. Bristol absconded, and a proclamation was issued for his apprehension; and thus ridiculously and utterly failed this rash attempt to assail the character and power of Clarendon.†

The *immediate* consequence of this attack was favourable to Clarendon. He regained his

* Vol. III. p. 245.

† Life of Clarendon, ii. 256—263. Burnet, i. 338—340. Pepys, ii. 95. State Trials, vi. 304—313. Parl. Hist. iv. 276—283. Lords' Journals. Vol. III. 245—248.

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influence; and the time-serving worshippers of power once more flocked round, to pay their court to him whom they had recently deserted.* But the ulterior consequences were unfavourable. When public sympathy with the present triumph is mingled with pity for past endurance of oppression, from such conjunction the recompensed sufferer may gain a rich harvest of popularity and power. But in this case there had been no previous call for sympathy. For months before this accusation, Clarendon, combining high office with parliamentary success, must, to the multitude have seemed more powerful than ever; and they must rather have wondered at the rashness of the accuser, than have pitied the minister for having been unjustly accused. This rude assault was also injurious to that stability which power derives from the belief that it is unassailable. It was better, in those times, for a minister to be *above* attack, than to have escaped triumphant. It was better never to have been accused, than that the public should become habituated to the sound of charges, which, granting them to be calumnious, many persons might choose to think could not be utterly without foundation. It was now a fact, that great crimes had been imputed; and thousands who would never have dared to suggest the imputation, could safely repeat it as a matter of fact. There is a vitality in a calumnious lie, scarcely to be credited by those who have witnessed its apparent annihilation. It will seem to die, and the good and

* Pepys, ii. 95.

wise will dismiss it from their thoughts ; and yet, anon, it will revive, wearing a new but similar garb ; and when men whisper, “ It has been said “ before,” even *this* will be made an argument for belief ; and thus the calumny, which was not able to stand alone, will give support to the equally baseless fiction of which it is the parent. Even from this futile and insane attack Clarendon’s power had received a shock ; and this period of his triumph was also the commencement of his fall.

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CHAP. X.

SOURCES OF ENMITY BETWEEN ENGLAND AND THE DUTCH.—
 COMMERCIAL JEALOUSY.—INFLUENCE OF DOWNING.—NEGO-
 TIATIONS BETWEEN THE STATES AND PORTUGAL.—CLAREN-
 DON'S TEMPERATE ADVICE TO DOWNING.—ENGLISH MAL-
 CONTENTS IN HOLLAND.—INTERESTS OF THE PRINCE OF
 ORANGE.—CLARENDON'S PACIFIC POLICY.—TREATY WITH
 THE DUTCH.—CASE OF THE SHIPS BONA ESPERANZA AND
 BONA ADVENTURA.—AGGRESSIONS ON THE PART OF THE
 DUTCH.—COMPLAINTS OF ENGLISH TRADING COMPANIES
 LAID BEFORE PARLIAMENT.—LOUIS XIV. OFFERS MEDI-
 ATION.

1661—1664.

CHAP. ^{X.}
 1661. ONE of the most important events in the history of
 Lord Clarendon's administration, and one which
 conduced most directly to his fall, was the war be-
 tween England and the Dutch. Whether he is
 justly chargeable with having promoted this war,
 or whether it arose from causes which he was not
 able to control, are questions which demand in-
 vestigation.

The sources of enmity between England and
 the Dutch were various ; among which commercial
 jealousy was perhaps the chief. The Dutch, princi-
 pally through the exercise of their native qualities
 of activity and perseverance, had become powerful
 competitors in commerce, in manufacture, in colo-
 nies, and in naval strength. Their navy in 1656

exceeded one hundred ships of war.* They were extending their colonial possessions in America, in Africa, and in Asia; they had rendered themselves the greatest carriers of merchandise for other nations; and by their woollen manufactures, they had become the most formidable rivals of this chief branch of English industry. The success of the Dutch, as the carriers of the world, had called forth the celebrated Act of Navigation, passed during the sway of Cromwell, prohibiting all nations from importing into England, in their own ships, goods which were not the produce or manufacture of their own country; and the Parliament, soon after the Restoration, had, in their Act “for encouraging and increasing of shipping and navigation,” re-enacted the principal provisions of this statute, with the addition of others in the same spirit, rendering its operation more strict and effectual, and counteracting evasions which a few years’ experience had shown to be possible.† It was evident, therefore, that the attention of the public was excited, and that the commercial jealousy which caused a war in 1652 was not appeased in 1660. The state of our woollen manufacture was also an object of much attention; and petitions were presented to the King by both Houses of Parliament ‡, stating, “that for some years past the Dutch “have designed to beat down and discourage that “manufacture in this realm, and to gain the same

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Septem-
ber, 1660.

* Thurloe, iv. 733, 734.

† Commons’ Journals, Sept. 4. 1660. Lords’ Journals, Sept. 7. 1660. Statutes at Large.

‡ Commons’ Journals, Sept. 4. 1660. Lords’ Journals, Sept. 5, 1660.

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“ to themselves, which they have in a great measure effected; that in order to that design they “ have imposed immoderate imposts upon English “ cloth imported into their countries;” and praying that upon a treaty with the Dutch, his Majesty “ will be pleased to take such effectual course that “ the excessive impositions be taken off.” The further encouragement of this branch of industry was, in the same year, the object of an act against the exportation of wool; and this prohibition, together with others, was re-enforced in 1662. The numerous acts relating to trade and manufacture passed during this latter year, show how strongly attention was directed to commercial subjects.*

Influence
of Down-
ing.

The fear and jealousy entertained by the English respecting the commercial activity of the Dutch, was industriously fed by one whose unconciliating demeanour tended to foster in both countries the growing germ of national dislike. This was Downing, the envoy from England to the

* Such, for example, were the following acts of 13 & 14 Car. II.:— 5. For regulating the making of stuffs in Norfolk and Norwich. 7. To restrain the exportation of leather and raw hides out of the realm of England. 11. For preventing frauds and regulating abuses in his Majesty's customs. 13. Prohibiting the importation of foreign lace, cut-work, embroidery, fringe, bow-strings, buttons, and needle-work. 15. For regulating the trade of silk-throwing. 18. Against exporting of sheep, wool, wool-fells, mortlings, shorlings, yarn made of wool flocks, fullers' earth, fulling clay, and tobacco-pipe clay. 19. Against importing of foreign wool-cards, card wire, or iron wire. 23. An additional act concerning matters of assurance used among merchants. 26. In reforming abuses committed in the weight and false packing of butter. 27. For repairing of Dover harbour. 28. For regulation of the pilchard fishing in the counties of Devon and Cornwall. 30. For the importation of madder pure and unmixed. 32. For the better regulating of the manufacture of broad woollen cloth within the West Riding of the county of York.

Hague—a man keen, bold, subtle, active, and observant; but imperious and unscrupulous, naturally preferring menace to persuasion; reckless of the means employed and the risk incurred in the pursuit of a proposed object; disliking and distrusting De Witt and the Dutch, and forearmed with a fierce determination not to be foiled or overreached. He had been resident at the Hague under Cromwell and his son; and foreseeing the certainty of the King's restoration, had offered his services to Charles II. in April 1660.*

Downing, who was retained as resident at the Hague, was impressed with the commercial superiority of the Dutch, and urged expedients for counteracting it. He sagaciously recommended that the influx of industrious foreigners should be encouraged, by treating all Protestant immigrants as natural-born subjects; and that we should raise up a rival to the Dutch fishing ports, by encouraging the settlement of foreigners at Yarmouth.† He maintained that such was the activity of the Dutch, that if they enjoy the same privileges with the English in their commerce with another country, “those privileges will be of little worth to the English‡,” and that the Dutch will out-trade “them§;” that the Dutch East India Company are making a vast progress in the East Indies—“that what they have already got in those parts is

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* Carte's Letters, ii. 319. Life of Clarendon, ii. 292. Vol. III. p. 134. *note*.

† Vol. III. p. 150. July 8. 1661.

‡ See Letter LXXIV., Vol. III. p. 152.

§ Ibid. p. 147.

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 1661. “ of much greater value than all Brazil;” and that
 “ whereas the East India Company, upon the
 “ probability of the conclusion of the peace with
 “ Portugal, did intend this year to have shared
 “ twenty-five per cent., they now speak of making
 “ a much less dividend, and reserving a great sum
 “ of money to set out another great equipage this
 “ winter for India.”*

Negotia-
 tions be-
 tween the
 States and
 Portugal.

While the continuance of amity between England and the Dutch was in some degree endangered by the disposition of the English envoy, an unfriendly spirit was too much encouraged by circumstances arising from the respective relations of the States with Portugal, and of Portugal with England. The two crowns were about to be connected by marriage, and England was bound to assist her weak ally. Between Portugal and the Dutch there were many grounds of mutual complaint; and a hollow and equivocal peace had long subsisted,—the two nations being at peace in Europe, while each waged war upon the colonies of the other. The Portuguese had taken from the Dutch a part of Brazil, Angola, and the Isle of St. Thomas. The Dutch had taken from the Portuguese their settlements at the Cape of Good Hope, Columbo in Ceylon, and some pearl-fishing stations in the East Indies.†

At length a treaty was set on foot, by which they hoped to compose their differences; and in June, 1661, Downing was sent over to the Hague to watch

* See Letter LXXIV., Vol. III. p. 153.

† Traité de Paix. Koch et Schoell, i. 332.

the pending negotiations. He found them so far advanced that, as he says, "had he postponed his arrival two days longer a treaty would have been concluded."* He found in the proposed treaty matter for objection. It tended to nullify advantages given to English commerce by a treaty between England and Portugal in the time of Cromwell. Cromwell's treaty had guaranteed to England the free purchase of all merchandise from Portugal, on equal terms with other nations. The proposed treaty would give to the Dutch a right of pre-emption in obtaining from Portugal all their salt; an article which, essential as it was for their fishing trade, that main source of wealth and naval strength, was justly deemed of great importance. Cromwell's treaty had stipulated that the Portuguese should not "hire shipping of any other nation, if there be a sufficient number of the English to be had," reserving only to the Brazil Company a power of hiring six ships from any nation at pleasure. An article of the proposed treaty would place the Dutch on the same footing with the English, with respect to all commercial advantages. Downing promptly remonstrated; and availing himself of the influence afforded by Charles's projected marriage with Catherine of Portugal, demanded of the Portuguese ambassador that he should pause in the negotiation till further instructions were received from England; "telling him plainly, that "if he should make any conclusion without the "consent of the King of England first had, that

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* Letter LXVIII., Vol. III. p. 135.

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“ what he should doe would not be ratified at
 “ Lisbon * ;” and he obtained from him a promise
 that he would wait for further instructions, — that
 he would hold no conference with De Witt except
 in Downing’s presence, — and sign no treaty with-
 out his privity ; and, in the mean time, Downing
 wrote to Clarendon—“ I pray let me know what
 “ it is the Portuguese ambassador may grant to
 “ these people, and I will let your Lordship know
 “ what I think may be done thereupon.” †

Ere this question could receive an answer, he
 also endeavoured, through the instrumentality of
 some deputies of Zealand who were hostile to De
 Witt, to suggest that for the proposed treaty a
 truce might be substituted between the States and
 Portugal, on the terms of 1641. The Estates in
 Zealand voted for the truce ; and Downing pro-
 posed it to the Portuguese ambassador, urging him
 to tell De Witt that, “ in regard of somewhat he
 “ had understood from his brother ambassador at
 “ London, he can go no further until he hears
 “ from Lisbon ;” and, in the mean time, to direct
 his endeavours to effect a truce. By that means,
 he said, the King of Portugal would keep the
 money which the treaty would oblige him to pay
 to the States ; the Dutch would enjoy no greater
 privileges in point of trade than they did in 1641 ;
 and any hostile attempt in the East Indies would
 be as much frustrated as by a treaty of peace. ‡

* Letter LXVIII., Vol. III. pp. 135, 136.

† Letter LXXII., Vol. III. p. 147.

‡ Letter LXXIII., Vol. III. pp. 148, 149.

The proposed substitute was not favourably regarded by the negotiating parties. Further delay was also deprecated, especially by the Dutch; and, towards the end of July, the Portuguese ambassador told Downing that he would wait no longer; and that, to meet the objections of the English minister, he proposed to insert an article in the treaty, providing "that the said treaty should be of none effect in any thing wherein it should be contrary to that made at London." * Downing desired time to communicate on this subject with his own court, from whence an answer might be had in nine days. The Portuguese remonstrated against the delay, adding, "if it were put upon him to sign the treaty with this clause, he must sign it." "Whereupon," said Downing, "finding him in this temper, I said there was no other way to deal with him, but to tell him plainly, that if he should do any thing without letting the King my master know it until that he had received new orders, that I must protest against whatever he did, and that this would stop the proceed of affairs between my master and his." †

This bold conduct might have been politic in the minister of a country which was prepared to abide the consequences of a quarrel between the States and Portugal, and incur the responsibility of supporting the latter. But such was not the

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1661.

* Letter LXXVI., Vol. III. p. 157.

† Letter LXXVI., Vol. III. p. 158.

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policy of England at the time when its affairs were most absolutely under the control of Clarendon. "Concerning the Portuguese ambassador," replied Clarendon, "the King can add little to what he hath formerly said, nor will he take it upon him expressly to forbid the ambassador to sign such a peace as he conceives so advantageous to his master, and the not doing thereof so ruinous: all that the King therefore says is, that he cannot consent that the Dutch shall be put upon the same level with him in all the advantages which must flow from the liberty of commerce; and his Majesty is confident that, whatever the ambassador undertakes, the King of Portugal will never confirm such an indecorum: but if the article you mention be inserted, that nothing shall be binding which is contrary, or prejudicial to the treaty made with the King, in God's name, let him sign what agreement he thinks fit."* De Witt assented to the insertion of such an article, and, with this addition, the treaty was signed in August, 1661.†

Clarendon's
instructions
to Downing.

Clarendon evidently wished to save his country from a responsibility which Downing's impetuosity was ready to incur. But he was not satisfied with the treaty, nor with the Portuguese ambassador's evident willingness to consult the interests of Holland. Whether it is attributable to his direct influence that the King of Portugal did not im-

* Letter LXXVII., Vol. III. p. 159.

† *Traité de Paix*. Koch et Schoell, i. 323. Dumont, vi. part ii. pp. 366—371.

mediately ratify the treaty, does not appear; but it may be inferred from the tenor of his language that he would approve of the postponement of such ratification, if England could be saved from the responsibility of the postponement, and a war with Holland should not ensue. The King of Portugal did not ratify the treaty; and Clarendon thus announced the circumstance to Downing:—

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“ I must now give you in charge, by the King’s
 “ special direction, that you use all possible dili-
 “ gence and dexterity in this great affair of Portugal,
 “ in which they have behaved themselves with
 “ such remarkable affection and deference to the
 “ King our master, that they have ventured all
 “ their own peace and quiet upon his pleasure.
 “ They have not ratified the treaty, as you were
 “ informed, but have taken further time to consider
 “ of those two articles which concern the freedom
 “ of trade to the East and West Indies, which you
 “ know is upon our only concernment. Now you
 “ must know that there was a provision by the
 “ treaty that if the King of Portugal should for
 “ the present not think fit to ratify those particu-
 “ lars, he should be obliged to do it within one
 “ year, or to make some equivalent compensation
 “ for it. How the Dutch will resent this delay I
 “ know not; but it will be very unhappy for Por-
 “ tugal and for us if they should immediately de-
 “ nounce a war against them. Therefore you are
 “ to watch their motions with all possible vigil-
 “ ance; and, as there shall be occasion, you are to
 “ move the States in the King’s name, and to let

CHAP. X.
 1663. “ them know that his Majesty having entered into
 “ so near and strict an alliance with Portugal as
 “ the taking the daughter of that Crown to his
 “ wife, it will be an unspeakable misfortune unto
 “ him to find a war entered into so unseasonably
 “ between that Crown and his so near allies the
 “ United Provinces; for prevention whereof his
 “ Majesty doth offer his mediation, and will inter-
 “ pose therein so effectually, that if the States shall
 “ consent thereunto, his Majesty doubts not but
 “ within the time limited by the treaty (which is a
 “ year) the States shall either receive full satisfaction
 “ in the particulars they desire, or equivalent com-
 “ pensation to their own content. You must set
 “ all your wits on work to prevent this war, which
 “ will produce a thousand mischiefs, in which the
 “ Dutch will undergo their full share; nor can
 “ there any good Dutchman desire that Portugal
 “ should be so distressed as to fall again into the
 “ hands of the Spaniards.”*

The sequel shall also be related in the words of Clarendon's letter of January 3. 1662, wherein he informed Downing, “ that upon the arrival of Sir
 “ R. Fanshaw, and the representations he makes
 “ of the ill condition of Portugal, if they should
 “ be suddenly engaged in a war with Holland,
 “ and upon his Majesty's full consideration, how
 “ hard a thing it would appear to the world for
 “ that nation to be overwhelmed with that war
 “ (which they would quickly be), and his Majesty

* Letter LXXXV., Vol. III. p. 174.

“ not as readily engage himself in it against the
 “ Dutch, which I think you do not believe would
 “ be very seasonable for our affairs ; — I say, upon
 “ all this, his Majesty is resolved not to insist on
 “ what he might reasonably do in the point, but
 “ to be content (if you find the Dutch cannot be
 “ persuaded to accept the King’s interposition and
 “ engagement) that they shall have equivalent re-
 “ compence, within one year, for what is not granted
 “ at present, according to the last article of the
 “ treaty ; but if that they will thereupon break and
 “ declare a war, then his Majesty is well pleased
 “ that the Conde de Miranda ratifies and confirms
 “ the treaty, in the manner they insist upon, — the
 “ King presuming that the King of Portugal will
 “ consent that some equivalent recompence be
 “ made, by him, to the King our master, for the
 “ for the damage his subjects must sustain by the
 “ equal privileges the Dutch are to receive with
 “ the English.” . . . “ You must not suffer the
 “ Conde de Miranda to imagine that the King
 “ our master, by his condescensions upon this
 “ exigence of Portugal, doth not part with any-
 “ thing he can justly insist on ; for nothing is clearer
 “ than that by the treaty with Cromwell, which is
 “ ratified and renewed by the first article of ours,
 “ there is express provision that the Dutch shall
 “ not enjoy the same privileges with this nation ;
 “ and therefore we cannot doubt but to receive
 “ other compensation. I pray God all may serve
 “ turn to prevent the war between Portugal and
 “ the Dutch, and that the Dutch do not serve us

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“ some trick to imbroil us ; for though I do not
 “ fear the credit of De Witt so far, as that he can
 “ be able to dispose the States General, or, it may
 “ be, not the States of Holland, to declare a war
 “ against England, yet I do fear both his power
 “ and his craft so far, as that he may cause such
 “ orders to be sent to the commanders abroad, as
 “ may produce such a war before we are aware of
 “ it ; for, I pray, was it not an odd order to De
 “ Ruyter, that he should assist the Spanish fleet, if
 “ the English should attack it ? And it is believed
 “ that he hath at present sent orders which relate
 “ to Tangier, and my Lord Sandwich.” *

These pacific instructions were unwelcome to the arbitrary temper of Downing ; and he evinced such reluctance to execute them, that Clarendon was obliged to reprimand him, repeating his directions, and again enforcing the great importance of preventing a war. †

Feb. 7. and
14.

Another ground of ill will in England towards the Dutch arose from the circumstance that disaffected persons, dangerous to the tranquillity of England, found an asylum in the States ; and that country was regarded, beyond all others, as bearing perpetually within its bosom the means of annoyance to the government of Charles. ‡ Among these were some excepted persons, whom Downing, with the rancorous zeal of an apostate, sedulously sought, and was anxious to seize. §

* Letter LXXXVII., Vol. III. pp. 178, 179.

† See Letters XCI. and XCII., Vol. III. pp. 186—189.

‡ Downing to Clarendon, June $\frac{1}{2}$, 1661.

§ See Letters LXXIII., LXXIV., Vol. III. pp. 152—155.

I have spoken of the jealousies which arose from the relations of France with the States, and of the fear lest, by the guarantee of the fishing, France should encourage, to the detriment of England, that important source of Dutch prosperity. But there was still another cause of growing enmity—the interest which Charles felt in the fortunes of his nephew, the Prince of Orange, and the measures which he consequently pursued. The young Prince had, by the instrumentality of De Witt, the leader of the party then predominant in Holland, been excluded from the dignity of Stadtholder, which his father had possessed. Charles was anxious that his claim to this dignity should be acknowledged; and, by advocating this claim, by placing him under the tuition of the Princess Dowager of Orange and the Elector of Brandenburg, and by too frank an avowal of his enmity to De Witt, he had irritated that influential statesman, and rendered more difficult the renewal of a friendly league.*

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Downing, was instructed to promote the interests of the young Prince; and the King of France was besought to co-operate, which he expressed a willingness to do.† But Louis was insincere. He

* “ Le parti que le Roi d’Angleterre a pris de donner toute l’autorité de la tutèle du jeune Prince d’Orange à la Princesse d’Orange, Douairière et à l’Electeur de Brandebourg, donne un tel ombrage à la province de Hollande, qu’il y a à craindre qu’il n’y ait bien des difficultés à la conclusion d’un traité entre la Hollande et l’Angleterre; le Roi s’est un peu trop déclaré ennemi de l’Avocat-Général de Wit, et c’est à présent un parti qui deviendra avec le tems comme celui de Barneveld.” D’Estrades, i. 142.

† Clar. State Papers, iii. Supp. iv., v.

CHAP. saw that by furthering this object he should only
 X. disoblige De Witt and his party, and increase the
 1661. influence of England, without gaining the Prince
 of Orange, who would think himself indebted for
 success rather to his uncle than to the King of
 France. He therefore instructed his ambassador
 Aug. 5. to amuse the English court by vague professions
 1661. of good will, and, if pressed to some overt act of
 friendship, to take refuge in the alleged hostility of
 the Princess Dowager of Orange and of the Elector
 of Brandenburg to France.*

Charles evinced more than usual anxiety on this subject, and in a subsequent conference twice pressed it upon D'Estrades, who replied, that the Prince was only ten years old, — that he could not properly assume the offices in question till he was sixteen, — and that when that time came the King of France would gladly co-operate in his behalf. In the mean time Downing, with his usual preference of force to the more conciliatory modes of negotiation, had recommended to Lord Clarendon that a stipulation in favour of the Prince of Orange should precede the conclusion of any treaty with the Dutch, who he assured him “would not hazard their trade upon that point only.”† But Clarendon took a more temperate and sagacious view of the question. “We consider,” he said, “that the surest way to preserve the Prince, and to get him restored, is

* D'Estrades, i. 156.

† Letter LXXI, Vol. III. p. 143.

“ first to make the peace. I pray, upon what
 “ grounds, in reason or policy, can the King, in
 “ the renewing a league with the States-General,
 “ demand that they should choose a general of
 “ his recommendation? and what harangues would
 “ De Witt make upon that subject, that the King
 “ of England will not make a peace with them,
 “ except he may give them a general, admiral,
 “ and stadtholder, who must always remember to
 “ whom he owes the benefit? You have, in some
 “ former letters, told me how much De Witt
 “ already works upon the people, to the prejudice
 “ of the King, by such insinuations: and truly,
 “ to our understandings, we can never properly
 “ interpose in that affair till we have made a peace
 “ with the States-General, by which all the jea-
 “ lousies which that people may have been
 “ troubled with must expire, and being restored
 “ to their old security in our friendship, they must
 “ be the more disposed to value and preserve it.
 “ We may then complain of all those foul arts used
 “ for the procuring the act of seclusion, and de-
 “ mand justice against De Witt and Bevering,
 “ upon full and manifest complaints.” *

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* Letter LXXX., Vol. III. p. 167. Charles boasted to D'Estrades, that he possessed written proofs of De Witt's influence having been malignly exerted with Cromwell against the interests of the Prince of Orange (D'Estrades, i. 126.), and would produce them if it were necessary. But Charles was not so fortified by proofs as he had caused D'Estrades to understand. "We know," said Lord Clarendon, in a letter to Downing, "all that I writ to you concerning De Witt to be very true, and therefore shall make no scruple of charging him with it; but whether in such an affair so direct an evidence can be given as shall satisfy a people that resolve not to believe it I know not. It is not to be imagined that we

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Such are the causes which tended to disturb the amicable relations of England and the States; and the mutual enmity was adroitly fostered by the French king, through the agency of D'Estrades. Louis XIV. did not at this time desire a war between those powers; but it was his wish to keep alive as much dislike as would prevent their cordial union, to the prejudice of French interests.* On this account he refused to make common cause with the King of England, in requiring satisfaction for injury to his colonists on the coast of Africa. He declined inviting England and Holland to renew their alliance by a fresh treaty, but directed his ambassador to make no attempt to repair misunderstandings; "for," said he, "as long as they live in mutual jealousy and dissatisfaction I shall be of more importance to each." †

While various circumstances were thus conducing towards a war with Holland, the policy of Clarendon was evidently pacific. He had not scrupled to provoke the anger of Louis, and to speak as though England did not shrink from the prospect of hostilities: but such was not his tone towards the States, though Downing repeatedly urged him to assume it. His instructions to Downing, with respect both to the Prince of Orange and the treaty with Portugal, conclusively evince that

* have any thing under his hand, his direction being always to Bevering, and Bevering, by word of mouth, advising Cromwell and Thurloe." Clarendon to Downing, October 25. 1661.; Vol. III. p. 171.

* D'Estrades, i. 158.

† Ibid. i. 168.

he would even have sacrificed an acknowledged advantage rather than incur the evils of war; and it is evident, from several passages in his letters, that he especially deprecated a war with Holland. "I must tell you," he wrote to Downing, in August, 1661, with reference to a meditated treaty with Holland, "the making this peace (if we can handsomely bring it to pass upon the old foot which Cromwell went upon, making no mention of those particulars, which will raise present dispute, and which may be taken up whenever we think fit to do so), will have an excellent influence here, and wonderfully compose the minds of men, who do still apprehend new troubles; and there is nothing the seditious and discontented people do so much fear as a peace with Holland, from the contrary to which they promise themselves infinite advantages. Add to this, that if that affair were once established, this deadness of trade would be a little relieved, and probably the Dutch would again send their money hither for the benefit of interest; and the dearth of money here will be shortly too notorious. In a word, we are of opinion, that if this peace can be handsomely made up, and speedily, great conveniencies will arise from it; and we may, after two or three years settling at home, be in the better posture to do what we find fit." *

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Such are the sentiments of Lord Clarendon; and in accordance with such sentiments, and under his

* Letter LXXX., Vol. III. p. 167.

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auspices, a treaty of peace and alliance between England and the Dutch was signed at Westminster, on the 4th of September 1662.*

This treaty professed to establish "peace, amity, confederation, and friendship," between the two nations. They were bound to aid by sea and land against those who rebelled from each, and not to harbour fugitive rebels. The Dutch were required to lower their flag to English vessels in the British seas. Poloron was to be restored. They were to have free access to each other's ports, and full permission to trade with each other in Europe. By the fourteenth article it was provided, that the treaty and friendship shall not be dissolved on account of aggressions committed by subjects of either power, but that such aggressors shall be punished, and reparation made, for offences—if committed on this side of the Cape of Good Hope, within a year†—if beyond the Cape, within eighteen months. By the fifteenth article all actions and claims for damages committed in India, and known in England before January 10. 1659, were to cease, with this exception, that the claimants of compensation for loss in the case of the ships *Bona Adventura* and *Bona Esperanza* should be at liberty to prosecute the suit already

* Letter CVII., Vol. III. p. 219. Dumont, tom. vi. part. ii. p. 422—428. *Traité de Paix*. Koch et Schoell, i. 303—305. Koch says, "En concluant ce traité, le ministre Britannique n'avoit bût que de détacher les Etats Généraux de la France." (*Traité de Paix*. Koch et Schoell, i. 305.) This was certainly not the *only* object, nor is there reason to think it was a prominent one.

† The terms of the treaty seem to imply that the time is to be calculated, not from the period of the commission of the offence, but from that of the demand for reparation.

commenced.* In like manner should be extinguished all actions and claims for damages committed in all other parts of the world before the 4th of March, 1654. All cases from after these dates, down to the date of the treaty, were to be submitted to commissioners appointed by each nation.

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The excepted case of the two ships, *Bona Esperanza* and *Bona Adventura*, became a prominent subject of dispute. They had been seized by the Dutch while on a trading voyage to India, in 1643, and confiscated illegally, the two nations being then at peace. Sir Paul Pindar, to whom the ships had been assigned by the original owners, sued the Dutch East India Company, in 1645, for damages to the amount of 75,000*l.*, before the Admiralty Court at Amsterdam. While the suit was pending, Courten, the heir of one of the original owners, notwithstanding this assignment, and the protest of Pindar's agent, agreed, through his own agent, Pergens, to compromise with the Dutch East India Company, in 1649, for 850,000 guilders, indemnifying the Company against all other claimants. In 1654, Pindar being dead, his executor preferred his claim to the 75,000*l.* before the English and Dutch commissioners appointed by Cromwell and the States under the treaty of that year; and the commissioners being unable to decide, referred the question (according to the pro-

The *Bona Esperanza* and *Bona Adventura*.

* As this clause was the subject of much controversy, it shall be given in the language of the original:—"Hoc excepto quod scilicet qui se jacturam passos dicunt in duabus navibus, videlicet, *Bona Esperanza* et *Bona Adventura*, poterint litem inceptam prosequi."

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visions of the new treaty) to the judgment of the Swiss Cantons. Nothing was concluded through the intervention of the Swiss; and the question was still unsettled when the treaty was signed, in September, 1662.

Immediately after the signature of the treaty, Downing demanded, in the King's name, that satisfaction should be made to the persons interested in those ships; that the final adjustment should no longer be dependent upon the lingering process of a legal inquiry, but be made a question between state and state, and be decided by negotiation; "or," as he expresses it, "in a politick way." In December, 1663, no progress had been made towards the settlement of this question. The advocate of the Dutch East India Company endeavoured to render agreement more difficult by complicating the case, and mixing up the question of disputed proprietorship with that of compensation. He said a claim had been put in by one Carew, who "styled himself a person interested in the said ships, and having procuration from all the rest." "Now," pursued the advocate, "we many years ago made satisfaction for this business to Pergens, and now we are demanded to make it to Carew, and to others with him; and now others say he hath no right neither, where by it appears what little reason we have to part with any more money in this matter."*

Downing, who is stated by Sir William Temple (but on no better authority than that of De Witt)

* Downing to Clarendon, Dec. 18. 1663. Vol. III. p. 264.

to have been corruptly interested in preventing a settlement, and on that account to have compelled Carew to withhold his claim*, cut short the question of disputed proprietorship with which the Dutch strove to embarrass the case; saying, that “when it should be the question who is the person or persons to whom this satisfaction is to be made, there neither should be wanting a right owner, nor a lawful discharge.” †

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The Dutch advocate, however, insisted upon the fact of their having already given satisfaction to Pergens, the agent of Courten, who had a letter of recommendation from the late King; and that if there were a question, whether that agent had been duly authorised to receive such compensation, the persons complaining might, under the fifteenth article of the late treaty, prosecute the suit commenced in 1651, by procuration from Sir Paul Pindar, in the law court at Amsterdam, and obtain redress by such means: for *this*, he contended, was the suit, signified by the words “*litem inceptam prosequi*,” in the treaty of 1662.

Downing, in reply, maintained that Courten had already assigned his interest in the ships, and was moreover a bankrupt at the time he pretended to authorise an agent to obtain compensation; that the letter he had obtained from Charles I. was a mere letter of recommendation, and written, moreover, when the King was in durance, and without means of being informed of the true circumstances

* Temple Works, i. 288, 289.

† Downing to Clarendon, Dec. 18. 1663.; Vol. III. p. 265.

CHAP. of the case; and that the suit mentioned in the
 X. treaty could not be that commenced, in 1651, by
 1664. procuration from Sir Paul Pindar. He was dead; with him died also the procuration; and it was therefore not possible to continue the old suit.* He also contended, that the framers of the treaty should be the interpreters of its meaning; and, in support of his position, that by "*lis incepta*" was meant the negotiation at the Hague, in opposition to the remedy by the ordinary course of justice, he showed five letters from Secretary Morrice, expressing the King's objection to the prosecution of any legal suit before an interested tribunal, against adversaries so rich as the Dutch East India Company. He also showed a certificate under the hands and seals of the English commissioners who concluded the treaty, and a printed letter, to which were affixed the names of the Dutch plenipotentiaries who signed it, admitting the same interpretation.†

This alleged admission was denied. It was, however, acknowledged by the States-General (according to Downing) that the words might be construed either way, and therefore "it was as free for them to take them in the sense they had most mind to, as for Downing to take them in the sense he conceived most advantageous for the English‡:" and thus stood the question at the commencement of the summer of 1664.

* Downing to Clarendon, Dec. 18. 1663; Vol. III. p. 266. May 6. 1664.; Vol. III. p. 316.

† Ibid. May 20. 1664. Letter CXLVIII, Vol. III. p. 324, *et seq.*

‡ Ibid. Vol. III. p. 325.

I have enlarged upon this case, because, deriving from adventitious circumstances an importance to which it had no intrinsic claim, it became one of the chief ostensible causes of the war between England and the Dutch.

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But there were graver causes of dissension. The English merchants grievously complained of the means by which the Dutch attempted to extend their colonial power in Africa and the East, and to impede the commerce of other nations. It was averred to be their practice to declare war against the natives with whom the English traded, and thereupon forbid all trade with them: and when the war was at length terminated, the English found themselves still excluded, because the Dutch had, by that time, compelled the natives to bind themselves by an agreement to trade with no other people.* The aggressions of the natives were also made serviceable for the same purpose. A factory at Comenda and a fort at Cabo Corço, on the Gold Coast, in Africa, both belonging to the Dutch, had been, the one burnt, the other seized by the native Africans. The Dutch declared war, and besieged both places; and they had made these blockades a pretext for interdicting English trade, not only at those places but also along the whole coast, and had detained two English ships (the Charles and the James) which attempted to prosecute their commerce. Downing, on the part of England, main-

Colonial
aggressions
of the
Dutch.

* Downing to Clarendon, Sept. 18. 1663. Letter CXXXV., Vol. III. p. 249.

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tained the injustice of preventing trade, even at Commenda and Cabo Corço, because at Commenda they had a factory as well as the Dutch, and within the harbour of Cabo Corço was a Danish fort, to which free access could not be refused. He also denied that it was an effectual siege by sea and land; and although he did not pretend to prescribe to the Dutch what means they should pursue for reducing the places in question, yet he must contend, that unless they prosecuted a *bonâ fide* siege they could not be entitled to the privileges of besiegers.

De Witt admitted the injustice of preventing the English trade along the coast; but he defended the prevention at the two places in question, and weakly attempted to raise an argument, in favour of the interdiction of English trade, upon a passage in the late treaty which was strictly applicable only to rebels, and not to nations with whom each power might be at war.*

Similar complaints were made respecting the conduct of the Dutch in the East Indies. An English ship (the Hopewell) was seized, upon pretence that she was bound for Cochin, on the coast of Travancore, which the Dutch were besieging by sea and land. Another (the Leopard) was seized because bound for Porcat, the Rajah of which, the Dutch asserted, had submitted to them by treaty; and they therefore claimed a right to prevent all foreign ships from trading there. Downing denied that the Rajah had submitted at the time the

* Downing to Clarendon, Feb. 12. 1664. Letter CXXXV., Vol. III. p. 279, *et seq.*

English ship was seized; and even if he had submitted, the English had a factory at Porcat, secured to them by treaty with the Rajah; and they could not be deprived of the right of trading there, without notice being previously given either by the Rajah or by the Dutch.* The Dutch advocate, shifting his ground, admitted the right of the English to their goods, but claimed for the Dutch the privilege of deciding by what conveyance they should be restored,—a claim which, Downing truly replied, was almost equivalent to a denial of restitution.

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Such cases, involving questions of deep interest to the colonial and commercial prosperity of England, were among those which, rousing the anger of the English public, caused complaints to be laid before the Parliament in the spring of 1664. Three great trading companies,—the Turkey, the East India, and the Royal African Companies,—with many unincorporated merchants and traders, concurred in representations which accused the Dutch of obstructing their trade, by pretence of war with the native powers wherever the English had established factories,—by pretence of agreement with native powers for exclusive trade,—by detention of English ships,—by proclaiming themselves lords of the South Sea, and arrogating to

* Downing to Clarendon, March 18. 1664. "If the Rajah had not surrendered his country," said Downing, "but had made a treaty by which he bound himself to permit the English to trade therein no longer, yet, he remaining still prince, the notification thereof must have come from him; and a competent time, at least, given for the removal of the English, with their effects:" but "if he had absolutely given them (the Dutch) his country, the like notification must have been made by them."

CHAP. themselves superior privileges. The East India
 X. Company pleaded loss in goods and ships taken
 1664. by the Dutch since 1656, to the amount of
 148,000*l.*, and 87,000*l.* more by the destruction of
 factories: the Turkey Company pleaded loss of
 110,500*l.*: the unincorporated traders to Africa
 complained of losses to the immense amount of
 330,000*l.*: Portugal merchants of the seizure of a
 ship, worth 16,000*l.*: and 23,000*l.*, which was de-
 manded as compensation for the fruitless mission
 of two ships to secure possession of the island of
 Poleron, long since agreed to be given up, but
 still retained by the Dutch, swelled the aggre-
 gate of damages to the sum of 714,500*l.* The
 Royal African Company made no specific state-
 ment of pecuniary loss, but complained of insults
 and obstructions on the coast of Africa; and that
 the Dutch "have lately taken into their hands,
 "and do now possess, the fort of Cabo Corço,
 "which doth rightfully belong to the English."*

Upon these representations the two Houses of
 Parliament concurred in voting, "That the wrongs,
 "dishonours, and indignities done to his Majesty,
 "by the subjects of the United Provinces, by in-
 "vading of his rights in India, Africa, and else-
 "where, and the damages, affronts, and injuries
 "done by them to our merchants, are the greatest
 "obstruction of our foreign trade;" and praying
 the King to "take some speedy and effectual
 "means for the redress thereof, and for the pre-
 "vention of the like in future."† In reply, the

* Lords' Journals, April 22. 1664.

† Ibid.

King expressed approbation of their zeal, and promised inquiry into their complaints; and that his minister at the Hague should be instructed to demand speedy reparation, and prevention of the like in future.*

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The Dutch were previously aware that complaints would be laid before the English Parliament; and, if we may believe the testimony of Downing, expressed alarm at the possible consequences of the inquiry, and the current rumours of impending war.† Shortly afterwards Downing wrote that they were buoyed up by false persuasions that the complaints of the merchants are not backed by the King, the ministers, or by persons of judgment and influence in England‡; and that strong resolutions by the English Parliament can alone cure them of this delusion.§ De Witt, as Downing informs us, was “mightily nettled” by the Parliamentary resolutions||, but gratified by the temperate tone of the King’s reply. The stock of the Dutch East India Company, which had fallen in price at the former announcement, rose again at the latter; and De Witt told Downing, “that since his Majesty had so tenderly expressed himself, that for *his* part he would, upon “that account, condescend so much the more to “give him satisfaction.”¶ Nor did these words

* Lords’ Journals, April 29. 1644.

† March 18. 1664. Letter CXXXIX., Vol. III. p. 299.

‡ April 18. 1664. Letter CXLI, Vol. III. p. 307.

§ April 22. 1664. Letter CXLII., Vol. III. p. 310.

|| April 29. 1664. Letter CXLIV., Vol. III. p. 314.

¶ May 6. 1664. Letter CXLV., Vol. III. p. 316.

CHAP. seem insincere. He promptly offered the ex-
 X. change and settlement of a list of damages on
 1664. either side, satisfaction for the five ships (four of
 which were detained under circumstances already
 mentioned), and co-operation in passing such regu-
 lations as might preclude in future such disagree-
 ments and incroachments in Africa and Asia as
 had been the subject of recent complaint.* He
 was willing to refer for decision, either to the
 Chamber of Spires or the Parliament of France,
 that knotty point, the interpretation of "*lis in-*
cepta"†; was willing to avail himself of the medi-
 ation of France‡; and had sent an ambassador to
 London to avert the impending war.§

The King of France had also offered to become
 a mediator between England and the Dutch; and
 probably was, at this time, sincerely anxious to
 preserve peace. Though he could not in 1662 pre-
 vent a treaty between those nations, yet the mutual
 dislike which he had wished to foster had recently
 thriven beyond his hopes, and he did not wish that
 it should blaze forth into actual war. By his treaty
 with the States, in April 1662, he had bound him-
 self, in the event of the Dutch going to war with
 any other nation (such nation being the aggressor),
 to break with it also within four months after the
 first requisition for assistance.|| He was therefore

* Letter CXLV., Vol. III. p. 317, 318.

† D'Estrades, ii. 409—416.

‡ D'Estrades, ii. 377.

§ D'Estrades, ii. 364—368. 474. Letter CXL., Vol. III. p. 301.

|| D'Estrades, ii. 5, 6. Dumont, vi. part ii.

afraid of being involved in hostilities, and was anxious to prevent such aggression on the part of England as might enable Holland to claim the stipulated aid. Accordingly, he offered to mediate; directed D'Estrades to represent forcibly to the States the risk attendant upon a war with England, and charged his ambassador, Cominges, with the same office at the court of London.*

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Such was the position of affairs in the summer of 1664. The ostensible unsettled grounds of dispute were trifling †; the interests of both countries were opposed to war ‡, and a powerful mediator was prepared to second a peaceful adjustment. Accommodation, therefore, might have been easy, if private interests and private pique, and the malign influence of powerful individuals, concurring in direction with the popular feeling, had not conspired to counteract it.

* D'Estrades, ii. 374, 375, 381, 382, 383, 404, 407. *Mém. de Louis XIV.*, ii. 5, 6.

† Pepys, ii. 183.

‡ D'Estrades, ii. 373.

CHAP. XI.

1664.

INFLUENCE OF THE DUKE OF YORK. — AFRICAN COMPANY. — AGGRESSIONS OF HOLMES. — CLARENDON'S DISAPPROVAL. — DOWNING'S EFFORTS TO PROMOTE A WAR. — TREACHEROUS AND AGGRESSIVE PROCEEDINGS OF THE DUTCH. — CLARENDON'S OPINION THEREUPON. — CAPTURE OF DUTCH MERCHANTMEN. — CONTINUANCE OF NEGOTIATIONS. — A NARRATIVE, WRITTEN BY CLARENDON, IS LAID BEFORE PARLIAMENT. — A LARGE SUPPLY IS VOTED BY THE COMMONS. — WAR IS DECLARED AGAINST THE DUTCH.

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 1664. THE Duke of York and Sir George Downing were those whose will, power, and opportunity rendered them the chief promoters of the Dutch war. Charles, although he disliked the party now ruling in Holland, because they had treated him uncourtously in his exile*, because they were opposed to the interests of his nephew, and had permitted the publication of caricatures reflecting with a biting truth upon his wastefulness and profligacy†, yet, as is admitted in the Life of James, “was not much inclined to a war.”‡ The reproach of having promoted it belongs chiefly to the Duke of York. His motives were various. He disliked the Dutch, he loved war§, and he had private

* Life of Clarendon, ii. 290.

† Pepys, ii. 125.

‡ Life of James I., 401. Life of Clarendon, ii. 237.

§ Pepys, ii. 173.

interests to serve. Libels against him had been circulated in Holland, which, though reparation was obtained, were repressed and punished less promptly and effectually than he might deem the offence required. He was of a warlike disposition; and "having been, even from his childhood, in the command of armies, and in his nature inclined to the most difficult and dangerous enterprises, was already weary of having so little to do, and too impatiently longed for any war, in which he knew he could not but have the chief command."* He was also pecuniarily interested in aggressions upon the Dutch. He had obtained, in March 1664, a grant of Long Island, in North America, and an adjacent tract of land belonging to the English, but never colonised by them, and which was subsequently holden by the Dutch, who had settled there and built a town, which they called New Amsterdam. The Duke of York, as if bent on provoking hostilities, "*borrowed* two men of war of the King, in which he sent Colonel Richard Nicholas (an old officer, and one of the grooms of his bedchamber), with 300 men, to take possession of that country." The Dutch settlers submitted; and Nicholas held possession of the country, which he called New York.†

James was the author of another aggression, of which the consequences were more serious. He was the governor of the Royal African Company,

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* Life of Clarendon, ii. 236.

† Life of James II., i. 400.

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for which he had recently procured a charter, and which carried on a profitable trade, exporting home manufactures, and bringing from the coast of Guinea “such store of gold that administered “the first occasion for the coinage of those pieces “which, from thence, had the denomination of “*guineas* *;” and also slaves, which they sold to great advantage to the West India planters. This royal company, which was among the petitioners whose complaints had been recorded in April, had offered no statement of pecuniary loss; but had complained that, among other obstructions to their trade, the Dutch “have lately taken “into their hands, and do now possess, the fort of “Cabo Corço, which doth rightfully belong to the “English.” † Even Downing admitted this right to be doubtful. In a letter to Lord Clarendon, he had said that it does, “of right, belong to the Danes ‡;” and in the following year, at a conference with the deputies of the Estates-General, he merely asserted, “that others, as well as the Dutch, did “claim a right to Cabo Corço. The Danes and “Swedes, each of them, say ’tis theirs of right; “and if that were now the question,” he believed he “could make out that the English have a “better right to it than any of them, for that they “were the first Christians that ever traded there; “and that they did build a house or lodge upon “that very spot upon which the fort now stands.” §

Sept. 25.
1663.

Feb. 12.
1664.

* Life of Clarendon, ii. 233.

† Lords' Journals, xi. 600.

‡ Letter CXXVI., Vol. III. p. 255.

§ Letter CXXXV., Vol. III. p. 280.

But even this plea is not admitted by Lord Clarendon, who says that, in fact, "the Dutch were "there some time before us; and the Danes "before either."* Yet, in the assertion of a claim thus flimsy, did the Duke of York expose his country to the risk of war; and not only maintained the right, but took the enforcement of it, unauthorised, into his own hands, displaying that arbitrary spirit which led eventually to his expulsion. It is stated in his Life that, on the first establishment of the Royal African Company, he "borrowed" of the King two ships of war, which, with others belonging to the Company, were placed under the command of Sir Robert Holmes, who, in pursuance of his orders, took the fort of Cabo Corço, and also another belonging to the Dutch, and committed other acts of aggression†, "without," as Lord Clarendon emphatically expresses it, "any shadow of justice."‡ The Dutch made complaints through their ambassador, Van Goch §, to which Charles replied, that he had no certain knowledge|| of the transactions alleged; stated that they were unauthorised; promised inquiry, reparation to the Dutch, and punishment to the offenders; and reproached the ambassador

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1664.

* Life of Clarendon, ii. 239.

† Coventry told Pepys, on the 29th of May, 1664, that "what Holmes, "without any commission, hath done, in taking an island and two "forts, hath set us much in debt to them (the Dutch)." Pepys, ii. 184.

‡ Letter CLVIII., Vol. III. p. 347.

§ D'Estrades, ii. 364.

|| Charles must have meant, that he had no certain knowledge from any authorised or official source. Rumours must already have reached him. The audience took place in June, and Coventry mentions the exploits of Holmes in conversation with Pepys on the 29th of May.

CHAP. for the warlike preparations which were carried on
 XI. in the United Provinces.*

1664.

Downing's
 anti-pacific
 proceed-
 ings.

Downing in the mean time had, as Clarendon truly states, "laboured heartily to incense" the English, "and to provoke the Dutch."† His letters are replete with incitements to war; at one time endeavouring to aggravate jealousy and dislike, at another to remove all fear of the possible consequences of our pressing them too hard; representing their dread of a war with England, — the certainty of their yielding if they find us in earnest, — the impossibility of obtaining justice without assuming an imperious tone, — their weakness, — their dissensions, — and that it is their intention to amuse us with words for the purpose of delay. He had endeavoured to raise a quarrel out of the circulation of certain libels against the Duke of York; had delayed as long as possible to admit that the Duke was satisfied with the reparation offered; and advised obstructions to the trade of Zealand as a retaliatory measure, because that province was least prompt in repairing the affront.‡ When De Witt offered to co-operate in regulations for the prevention of injuries between the English and Dutch, he refused the offer until they should first have agreed upon satisfaction for the past. On the subject of the Bonaventura and Bona Esperanza, instead of attempting to facilitate an

* Life of Clarendon, ii. 296. D'Estrades, ii. 368.

† Life of Clarendon, ii. 197.

‡ Downing to Clarendon, March 18—25, April 22, Vol. III. pp. 301. 304. 309.

adjustment, he told De Witt "that there was no-
 "thing at all to be done or hoped for unless they
 "would think of making satisfaction for them
 "also;" that it very nearly touched the King's
 honour, and that "the persons concerned in those
 "ships had such influence upon him, and his
 "Majesty so engaged his word to them, as that it
 "was impossible for him to retreat in this matter."*

CHAP.

XI.

1664.

The States proposed to refer the interpretation of
 the words "lis incepta" to the Parliament of
 France or the Chamber of Spire†, a great advance
 towards peace (as Louis observed in a letter to
 D'Estrades), particularly when coupled with repara-
 tion for the losses incurred by the English in the
 case of their five ships.‡ But Downing refused to
 consent to this mode of deciding a matter, for the
 decision of which the intervention of some third
 party seemed absolutely necessary. §

It is probable that with the summer of 1664
 had passed the time when concession on this point
 could avert impending war. It now served as a
 mere pretext for the continuance of a dispute
 which had other and more important objects. The
 possession of Guinea was the real object of medi-
 tated contention||; and De Witt, stung by the
 aggressions of Holmes, disappointed by the failure
 of Van Goch's mission to London, and confident

Treacher-
 ous and ag-
 gressive
 proceedings
 of the
 Dutch.

* Downing to Clarendon, May 6. 1664, Vol. III. 316, 317. Whether Downing was influenced by corrupt motives in this affair is a matter of doubt. D'Estrades accuses him of it, on the authority of De Witt, ii. 352.

† D'Estrades, ii. 409. 416.

‡ Ibid. ii. 416.

§ Ibid. ii. 399.

|| Ibid. ii. 418. 420, 421. 425.

CHAP.
 XL.
 1664.

in the forwardness of his preparations for war, had determined no longer to abide the result of negotiations, but to effect that object by a *coup de main*. English and Dutch fleets, under Lawson and De Ruyter, had been cruising together in the Mediterranean, protecting the traders of their respective countries against the Turkish and Barbary corsairs. De Witt sent to De Ruyter a secret order to separate himself from the English squadron, and, concealing his intentions, to sail to Guinea, and there retaliate upon the English. Lawson, who was with De Ruyter at Cadiz, inferred, from the manner in which he was there re-victualling his fleet, that his destination was the African coast; but having no power to follow or attack him, he contented himself with communicating his suspicions to the Duke of York.* Similar surmises reached England from another quarter. Downing, in September, wrote thus to Clarendon:—“ It hath been confidently, this week, said “ at Amsterdam that De Ruyter should have been “ privately ordered, a month ago, to go directly “ from Cadiz with eight ships, or more if he had “ them, to Guinea, and wagers offered that, ere “ this, he was gone or going; but now the report “ begins to die; and to be sure no such deliber- “ ation hath been here in the Estates, much less “ resolution taken concerning the same. And “ among other discourses with De Witt, I asked “ whither De Ruyter would go when he had

* Life of James I., 402.

“cleared his ships. He said, ‘back to Algiers
 “ ‘and Tunis, to ransom those people that were
 “ ‘yet there.’” * At the same time De Witt,
 the more effectually to remove suspicion that a
 fleet was already gone to Guinea, professed his
 intention of sending one thither, “to defend what
 “remains, and repair what they have lost;” but,
 on no account, to hurt the English.† De Witt’s
 falsehood did not lull the suspicions of Downing,
 who recommended that not only Lawson, but all the
 King’s consuls in the Mediterranean, should have
 immediate orders to keep strict watch upon De
 Ruyter’s movements; and he suggested that Law-
 son “should have an order to meet Prince Ru-
 “pert,” that their combined fleet might “make
 “sure work,” and, being superior to De Ruyter’s
 force, “put an immediate end to that business.” ‡

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 XI.
 1664.

Upon the receipt of Lawson’s notice of De
 Ruyter’s probable destination, it was determined
 that a fleet of twelve ships of war, with six belong-
 ing to the Royal Company, the whole commanded
 by Prince Rupert, should be sent against him to
 the coast of Guinea.§ Preparations were made
 with increased activity; war was talked of as in-
 evitable; and, lest this calamity should still be
 averted, the Duke of York insultingly told the
 Dutch ambassador that Rupert on the coast of

August 31.

* Downing to Clarendon, Sept. 9. 1664, Vol. III. 344.

† Downing to Clarendon, Sept. 9. 1664, Vol. III. 343.

‡ Downing to Clarendon, Sept. 9. 1664, Vol. III. 345.

§ Pepys, ii. 214.

CHAP.

XL.

1664.

Guinea, and himself with another fleet near home, will soon show that the English are in earnest.*

Meanwhile De Ruyter had fulfilled De Witt's injunctions, retaliating upon the English in Guinea, and recovering what Holmes had taken from the Dutch. He had thus violated an express condition of the treaty of 1662, which provided that redress should be sought peaceably, and that aggression committed by the subjects of either power on this side of the Cape of Good Hope should not cause a dissolution of friendship, if redress was granted within a year. When De Witt had thus thrown down the gauntlet, and had added falsehood to aggression, it could scarcely be expected that any indications of an accommodating spirit should be regarded otherwise than as pretexts for delay till he should have done more injury to English commerce, or should be better prepared for war.

October 28.
1664.

“ Though I am very glad,” said Clarendon to Downing, “ to find any temperate and sober considerations which dispose that people to peace, I wish they had entertained it sooner, for I scarce see time left for such a disquisition as is necessary. They have too insolently provoked the King to such an expense, that fighting is thought the better husbandry.” “ If all other matters were well adjusted, I do, in my own judgment, not make any question of the re-delivery of Cape de Verde, for it was taken without any authority, and without any shadow

* Pepys, ii. 215.

“ of justice ; and if they would have had the pa-
 “ tience to have stayed till Holmes had returned,
 “ I do verily believe they would have seen him
 “ punished ; and the place must have been deli-
 “ vered. But their imperious way of demanding
 “ it, without suffering any examination, was not
 “ to be endured. If they do really and heartily
 “ desire a peace, they will keep their fleets within
 “ their harbours, and spend this winter in making
 “ clear and frank overtures. But if their fleet
 “ come out, nothing but a miracle can prevent
 “ fighting ; for we are angry, and loath to be
 “ mocked after all our preparations.” *

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1664.

By this time Rupert had taken command of the squadron committed to his charge, and, having left the Downs, was then at Portsmouth, fearing to proceed in consequence of a more powerful Dutch fleet, under the command of Opdam, which was cruising in the channel †, — a numerous fleet of large and well-provided ships, destined evidently for the coast of Africa.‡ Against such a foe the slight force under Rupert (whose health was failing, and whose prowess as a commander was lightly esteemed,) was evidently insufficient ; and a larger fleet was fitted out, under the command of the Duke of York and the more able and experienced Sandwich.§

By means of this fleet, which soon triumphantly

* Letter CLVIII., Vol. III. pp. 346, 347.

† Pepys, ii. 217. 220. 222.

‡ Downing to Clarendon, Sept. 2—9., Vol. III. 339—343. Life of James I., 403.

§ Life of James I., 403. Pepys, ii. 222—224.

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1664.

swept the Channel, an attack was opened upon Dutch commerce. Numerous Dutch merchantmen were soon brought into English ports, and detained for the professed purpose of indemnification for any damage committed by De Ruyter* : while, on their part, the Dutch had detained a ship from Sweden bound to London, and laden with masts and cordage,—a proceeding justifiable only on the assumption that the States and England were then at war.†

The war was virtually begun ; yet negotiations still went on, as if accommodation of differences was not yet hopeless. De Witt and Downing still conferred ; but the object was to gain time, and De Witt became less conciliatory in his tone, and made proposals tending only to postpone a settlement. Downing having receded from his refusal to treat respecting regulations for the future till he had first received satisfaction for the past, De Witt, who had agreed to the regulations, at length objected to their being confined to the intercourse of the two nations *out of Europe*, and desired they might include Europe also ; a request which Downing reasonably complained was new, would neces-

* Pepys, ii. 227. Clarendon says, " Whatever orders had been given for the preservation of the Dutch ships, it quickly appeared that much of them had been embezzled or disposed of before they were brought to any judicatory, or adjudged to be prizes ; and there was too much cause to fear that the rest would be disposed of to other purposes than the support of the war ; though nothing was more positively spoken than that the war would maintain itself." Life of Clarendon, ii. 302.

† Pepys, ii. 227. Parl. Hist. iv. 302. De Witt, in a letter of January 14. 1654, specifies cordage as among the materials with which neutrals may lawfully be prevented from supplying an enemy. See Vattel, 337. *note*.

sitate his application for fresh instructions, would cause delay, and be difficult of adjustment.* When at a later period this obstacle seemed not insuperable, De Witt was even less conciliatory, insisting on the restoration of New Netherland (named by the English New York), to which he foresaw there would be strong objection, and declining the mediation of France on the subject of Guinea†, but wishing to restrict its good offices to the less difficult question of damages. France had offered mediation ineffectually at the court of London, to which Charles replied, that he had not refused reparation for Holmes's aggression, but that he would not submit to be menaced by a Dutch fleet avowedly destined for the coast of Guinea.‡

CHAP.

XI.

1664.

October,
1664.

The efforts of Louis to avert a war, and his evident unwillingness to co-operate with the Dutch in fulfilment of the treaty of 1662, were among the causes of the postponement of a declaration of war. He had threatened them in the spring with an alliance with England, in case they attempted to ally themselves with Spain, to the prejudice of his design on the Spanish Netherlands.§ He subsequently demanded an assurance that they would never thus oppose his interests, as preliminary to his fulfilment of the conditions of the treaty; and he threw out doubts, whether the circumstances of the impending contest would be such as could oblige him to aid them;—it was a dispute which turned

April,
1664.

* Downing to Clarendon, Sept. 9. 1664, Vol. III. 344.

† D'Estrades, ii. 424.

‡ Ibid. ii. 411, 412.

§ Ibid. ii. 340.

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XI.
1664.

upon private interests ; it would be a war of companies, and not of nations ; it was carried on out of Europe, and it was still uncertain which was the aggressor. Thus, causing the Dutch to fear lest in a war they might be left unaided, he induced them to recall their fleet, and *ostensibly* to disband their naval forces.*

At this time the Dutch government had resolved to issue orders to De Ruyter, that when he had effected the object of his expedition to Guinea, he should sail from thence to Barbadoes and other English colonies in the West Indies, to Virginia, New Netherland, New England, and Newfoundland ; to take there all English ships, to do whatever injury he can, and return round Scotland with what he had taken. Intelligence of these intentions, obtained by Downing from a bribed informant, was sent by him to his court in December, coupled with suggestions that a fleet should be immediately and secretly sent to oppose De Ruyter ; that the West Indian colonies should be put upon their guard ; that means should be taken to get possession of the fleet of the Dutch West India Company, which was about to sail with a small convoy ; that meanwhile, the Dutch ambassador in London should be kept as long as possible in suspense ; and that letters of marque should be issued without giving previous notice.†

* D'Estrades, ii. 353, 354, 386, 390, 393, 394, 428, 434, 435, 440, 441, 447, 459, 460. Œuvres de Louis XIV., ii. 5, 6. Downing to Clarendon, Nov. 25. 1664, Vol. III. 352.

† Downing to Clarendon, Dec. 6. 1664. Letter CLXI., Vol. III. p. 352. *et seq.*

A disgusting absence of good faith at this time equally characterised the proceedings of each nation ; and it was their unprincipled maxim (which Downing scrupled not to praise*), to do all the mischief they could to each other without having recourse to a declaration of war.

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XI.
1664.

Before Charles took this final step, it was requisite that he should lay his case before the Parliament, and obtain from the Commons the requisite supplies. At the opening of the session, after alluding to the expense incurred in naval preparations, and disclaiming either a love of war or an intention to conclude it with dishonourable haste when he had obtained the requisite means, he set before them what was called " a brief narrative of " the late passages between his Majesty and the " Dutch, and his Majesty's preparations there- " upon." The language of the Journals implied that this statement was written by the Lord Chancellor; for it was declared to have been intended that he " should have made ' a narrative ' in per- " son; but he being laid up of the gout," (the cause, perhaps, of his absence from the House of Lords during the whole of this session,) " his " Majesty had caused the narrative to be put in " writing."† In this statement much stress is laid upon the hostile intentions of the States-General, as evinced by their activity in preparations for war, and upon the secret orders sent to De

Appeal to
Parliament.

Nov. 24.

* Downing to Clarendon, Dec. 23. 1664. Letter CLXII., Vol. III. p. 357.

† Commons' Journals, Nov. 24. 1664.

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Ruyter ; and, after stating the detention of the Swedish ship, a violence towards a neutral power justifiable only on the supposition of the Dutch being at war with England, the King is made to declare that, being thus “ forced to put himself in the posture he is now in for the defence of his subjects at so vast an expense,” he does not doubt that his Parliament “ will cheerfully enable him to prosecute the war with the same vigour he hath prepared for it, by giving him supplies proportionate to the charge thereof.” * This charge was wilfully exaggerated in the statement laid before the Parliament. “ I have brought it,” says Pepys, “ to appear 852,700*l.* ; but, God knows, this is only a scare to the Parliament, to make them give the more money :” and in these discreditable labours he was zealously assisted by Sir Philip Warwick, under the superintendence of Southampton, whom all uphold as a model of purity in this lax period of political morals.

Previous meetings had been holden at Worcester House on the subject of the impending war, and the steps to be taken for bringing the question of the re-site supplies under the notice of the House of Commons. They were attended by Clarendon and Southampton, and those members of the lower house with whom they were wont to consult, “ to whom the King joined others upon whom, he was told, he might more depend.” † Bennet and

* Parl. Hist. iv. 302. Lords' Journals, Nov. 24. 1664.

† Pepys, ii. 227, 228, 229.

‡ Life of Clarendon, ii. 303.

Coventry, who were present at these conferences, were of opinion that no more should be at first demanded than would suffice for the fleet during the spring and summer, and that more should be asked for, if requisite, in the ensuing autumn. Clarendon and Southampton were of opinion, "that the House of Commons could never be in a better disposition to give than they were at present;" and that, inasmuch as the Dutch were rendered confident by a belief of the King's necessities, and "that the Parliament would supply him very sparingly," a liberal supply would disabuse them of this impression, and would give the King "such a reputation with all his neighbours, and such a terror to his enemies, that it would probably dispose them to peace;" and they therefore recommended, that the King's friends should move in Parliament for such a sum as would be sufficient to support the war for a whole year* ; and that, since much expense had been already incurred, which must be defrayed out of the required supply, the sum proposed should not be less than two millions and a half.† They recommended that the proposer of this alarming sum should be some independent member of large fortune, unconnected with the court; and a person answering these conditions, and willing to undertake this task, was found in the member for Castle

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XI.
1664.

* Life of Clarendon, ii. 305.

† Pepys says he is told by Sir R. Warwick, "that one year of the late Dutch war" (*i.e.* the war in Cromwell's time) "cost 1,623,000*l.*" Pepys, ii. 228.

CHAP. Rising, Sir Robert Paston, a baronet of ancient
 XI. family and large estate.*
 1664.

We have no other account of these conferences than that which is given by Lord Clarendon; but such is his inaccuracy on some points, in which we can refer to the evidence of the Journals†, that it is plain that he trusted solely to a very fallible memory, and that his statement must be accepted with proportionate caution.

On the 25th of November (the day after the meeting of the Parliament), the House of Commons took into consideration the matter of the King's speech and narrative; and the same being debated, they successively resolved, unanimously, "That there shall be a present supply considered of for the King's Majesty.

"That there shall be a certain sum for his Majesty's supply moved by the House;" and "That the naming of a certain sum shall be no

* Life of Clarendon, ii. 307.

† The following example will suffice:—"The Parliament *still promised fairly*, and entered upon consultation how and what money to raise. "And now the King commanded the Chancellor and the Treasurer to meet with those members of the House of Commons with whom they had used to consult, and to whom the King had joined others, upon whom, he was told, he might more depend, and to adjust together what sum should be proposed, and how, and in what manner, to propose and conduct it. *It was about the month of January.*" (Life of Clarendon, ii. 302.) After this passage follows a description of the conferences respecting supplies, and the means taken to induce Sir R. Paston to move a vote of two millions and a half. Who, after reading such a statement, would imagine that the Parliament met on the 24th of November, and that on the following day (being the first day in which the question of supply was mooted), and not in January, Sir R. Paston made his motion! (See Commons' Journals.) These conferences, therefore, must have taken place before the Parliament could have "promised" any thing, or "entered upon consultation" at all.

“restriction to the Committee of the whole House
 “in the manner of raising the sum named by the
 “House.” *

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 XI.
 1664.

“After which,” says Lord Clarendon, “no man
 “adventuring to name the proportion that should
 “be given,” and “while the House was in deep
 “silence, expecting that motion,” Sir Robert Pas-
 ton, as had been preconcerted, rose, and moved
 that a supply should be voted of two millions and
 a half. “The silence of the House,” pursues Lord
 Clarendon, “was not broken: they sat as in
 “amazement until a gentleman, who was be-
 “lieved to wish well to the King, without taking
 “notice of what had been proposed, stood up and
 “moved that they might give the King a much
 “less proportion;” after which two other mem-
 bers, unconnected with the court, “who had pro-
 “mised to second, renewed the motion, one after
 “the other.” † The House divided, and Paston’s
 motion was carried by 172 to 102.‡ On the
 following day the House considered, in committee,
 “the method and manner of raising” this unpre-
 cedented sum; and while this difficult matter was
 under consideration, the King, on the strength of
 the munificent vote, obtained from the City, for
 present use, an immediate loan of 200,000l.§ A
 bill, to the provisions of which, and its important

* Commons’ Journals, Nov. 25. 1664.

† Life of Clarendon, ii. 310.

‡ Commons’ Journals, Nov. 25. 1664.

§ Life of Clarendon, ii. 311.

CHAP. changes in the system of finance, I shall afterwards
XI. advert, passed both Houses in the course of the
1665. winter* ; and on the 22d of February, 1665, the
King issued a declaration of war.

* Commons' Journals, Feb. 8. 1664. Lords' Journals, Feb. 7.

CHAP. XII.

EXAMINATION OF THE CHARGE AGAINST CLARENDON, THAT HE ENCOURAGED FICTITIOUS PLOTS; AND THAT HE WAS UNJUST TO THE PRESBYTERIANS.—KING'S SPEECH AT THE OPENING OF THE THIRD SESSION OF PARLIAMENT.—REPEAL OF THE TRIENNIAL ACT.—CONVENTICLE ACT.—CONSPIRACIES.—FIVE-MILE ACT.—OPPOSED BY SOUTHAMPTON.—CONDUCT OF CLARENDON CONSIDERED.—INTOLERANCE OF THAT AGE.—INTOLERANT PROCEEDINGS UNDER THE PROTECTORATE.—CLARENDON'S PRINCIPLES WITH RESPECT TO TOLERATION.

1663—1665.

BEFORE a narration of the events of the war with Holland, and of the consequent negotiations with foreign powers, it is necessary to attend to some important matters of internal policy, under the administration of Lord Clarendon, involving serious charges against his character as a statesman. He is accused of a grave offence—of having encouraged fictitious plots, and excited fears in the public mind, for the sake of rendering the supposed danger a plea for severity against Dissenters.

This charge is not substantiated. It has not been proved that Clarendon was mistaken in his assertion of the existence of danger; much less that he asserted that which he did not *believe* to be true. His situation as minister did not exempt him from being deceived, or even from sharing in a popular delusion; yet even sensible and approved

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1665.

Charges
against
Clarendon
examined.

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writers are apt to exaggerate the degree of intuition which a minister, situated like Clarendon, was likely to possess. To unravel delusive tales is a task requiring not only sagacity but more time and patience than one, whose cares are many and weighty, is perhaps able or willing to bestow. It is also unjust to ascribe to the person at the head of affairs the sanction and direction of every false tale of conspiracy with which inferior agents may alarm the country, or to suppose that the rumour upon which he acted was originally propagated by his authority. Political hatred of a particular sect might actuate persons in inferior stations as strongly as it could actuate the first minister of the crown; and the desire of contributing, by false rumours, to their own advancement might influence them still more strongly. That Clarendon never tampered, even indirectly, with the infamous promulgators of false accusations, is almost proved by the circumstance of none such having ever avowed it. There was a time when any charge which would have served to load the fallen minister would have been favourably received by his numerous enemies; and men sufficiently infamous for such a service would not have scrupled to betray their employers. Yet no such accusation has ever appeared. Yarranton, (who in 1681 published a statement, professing to show that the Worcestershire plot, in November, 1661, alleged by Sir J. Packington, was fictitious,) although he appears to have been tampered with by Bristol, brings no charge

against Lord Clarendon.* An accusation is, indeed, extant, but of a very different nature—not that he lent his ear too willingly to such false tales, but that he was culpably negligent of the King's safety, in treating too lightly the information which was brought to him. The narrative of Sir Philip Monkton† affords a curious spectacle of the credulous violence of the Royalists, the difficulties which beset Lord Clarendon, and the abuse and calumny to which he was exposed for not rendering himself the subservient instrument of party rancour.

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1665.

Nor was his conduct open to suspicion with respect to the plot in the winter of 1661, which is so confidently stated to have been fictitious. He did not eagerly avail himself of the information tendered, in November, by Sir John Packington and other members of the House of Commons. Not until a deputation from the Commons had waited on the King, on the 11th of December ‡, alleging the receipt of letters and messages from numerous counties, concerning a conspiracy of alarming extent, did the minister appear to have countenanced the rumour. And when, on the 19th, he delivered a message from the King to the Lords, informing them of the intimations he had received, and entreating the advice and counsel of both Houses, a conference ensued, in which the Chancellor proposed to submit the evidence to the investigation of a joint committee of lords

* Ralph, 53. *et seq.*

† Vol. III. p. 532.

‡ Ralph, 56. Parker's History of his Own Times.

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XII.

1665.

and commons. The committee sat during the recess; and in the following spring delivered a report, affirming a belief that general risings had been intended, and that arms were provided, and correspondence maintained with republicans abroad, stating also that precautionary measures had been adopted by the advice of the Duke of Albemarle, which precluded the necessity of any present proposal on the part of the committee, but that they were "sensible of the real danger, and hoped "the Houses would be so too." The plan proposed by Clarendon was not such as would have been recommended by one who was conscious of fraud, and dreaded detection. To have allowed reports to pass unsifted, after the warning of the preceding winter, would have exposed him justly to the charge of negligence. Packington's intelligence was not confirmed by the report of the committee; but they were satisfied of the existence of danger, were supported in that opinion by Albemarle, and demanded no fresh severities. That the impression of danger was prevalent, and that Clarendon believed there was ground for the impression, appears from a passage in a letter to Downing, in August, 1661.* Such, too, was the belief of men not concurring with Clarendon in principle, or bound to him by the ties of friendship. It was the belief of Albemarle, who leaned to the Presbyterians. Bennet, in the autumn of 1662, in a letter to the King, urged the expediency of having troops in the north and in the west, as well as in London,

* Vol. III. p. 167.

“ since the dissatisfaction towards the present government is become soe universal, that any small accident may put us into new troubles *;” and as a reason for not sending money to Holland, he told Ormond, in December, that what remained of the produce of the sale of Dunkirk was not to be touched for a less occasion than an insurrection at home, “ which the foolish and discontented people are apt every day to threaten and apprehend.”†

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1665.

At this very time dangerous combinations were existing in London. One who refused the oaths of supremacy and allegiance, and confessed that he had been at Venner's meetings, owned, in December, 1662, that he was one of 900 members of “ a congregated church,” who had their usual meetings at Duke's Place, near Bishopsgate, and that there were “ seven other congregated churches” in and about London.‡

* Letter XCVIII., Vol. III. p. 197.

† *Miscellanea Aulica*. Ralph, i. 82.— Ralph quotes this passage as if it indicated Bennet's disbelief in the reality of the danger! It is evident that the people are called “ foolish” because they are “ discontented,” and “ threaten” risings which are likely to fail. It is not meant that there is folly in apprehending the attempt. It would be strange if Bennet, in assigning a reason for not complying with Ormond's request, should at the same time have intended to convey that the alleged reason was unfounded. We might suspect a lurking malice if it had been Lord Clarendon's resolution which he thus communicates. But it was the vote of a council, at which were present the King, the Duke of York, Prince Rupert, Albemarle, Lord Ashley, and himself. In enumerating these persons, and in mentioning the date of the letter, I quote not from the *Miscellanea Aulica*, in which it is printed, but from the original in the Bodleian Library. In the *Miscellanea Aulica* Albemarle's name is omitted, and the date is changed from December to November. As there are interesting letters in the collection so named, it is to be regretted that so little reliance can be placed on its correctness.

‡ Letter CXV., Vol. III. p. 230.

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In the ensuing year there was an insurrection in the north of England; and Buckingham was sent to quell it. Many were arrested, of whom fifteen were proved guilty; and the existence of conspiracy to an alarming extent is shown by the letters both of Buckingham and Bennet, who will not be suspected of undue compliance with the opinions of Clarendon.* In June and August, Bennet, in letters to Ormond, expressed anxiety lest the disaffected in Ireland should communicate with those in England and Scotland, and recommended the adoption of preventive measures. To Buckingham, he says, in October, that alarm is diffused through the whole kingdom; and in the following month he wrote to Ormond, that, "upon the whole matter, we find the grounds of the plot farther laid than we conceived at first."†

Rapin and Ralph, and especially the former, not only under-rate the importance and desperate character of Venner's enterprise, but endeavour to throw suspicion upon either the reality or the extent of every subsequent plot. ‡ The conspiracy

* See *Miscellanea Aulica*, *passim*.

† *Mis. Aulica*, 319. *et passim*.

‡ The following passage relative to the insurrection of 1663 may be taken as a specimen of the manner in which Ralph discourses upon plots. After quoting extracts from letters of Bennet to Buckingham, concluding with one which states that "the judges have found fifteen guilty, and this by the proof of two witnesses against each of them, as well as their own confession," he proceeds to say, "Upon the whole, it is pretty clear, from these letters, that a rising had been concerted; but then it is as clear, that it ought rather to have excited the scorn than the apprehension of the government; that, like all the rest of these wretched projects, it had been countenanced by none but levellers, disbanded officers, and desperate enthusiasts, all of them

of Tongue and others, in the winter of 1662, is sneeringly discredited, because the agents were weak and their success hopeless — as if the hopelessness of Venner's success had prevented that alarming outbreak. They also rely much upon two false assumptions: first, that when a plot has not exploded, or suspected persons cannot be convicted, its non-existence may be fairly inferred; secondly, that when there is evidence of a fictitious plot, we are to accept this evidence as disproof of the concurrent existence of any real one. If the first argument were valid, the minister, who, by sounding the alarm, puts the people on their guard, and thus causes the suppression of the meditated enterprise, might always be accused of sinister intentions; and, for the protection of his own character, must mercilessly lie in ambush till the plotters had committed some overt act which might render them amenable to punishment.* As for the position, that a ficti-

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"persons of mean condition, without parts, power, credit, or interest." (Ralph's History, i. 98.) It is something more than "pretty clear" that a rising had been concerted, when fifteen persons had been found guilty by the evidence of two witnesses and their own confessions; but it is not so clear why a plot, countenanced by *disbanded officers* of Cromwell's army, and by men whose courage was made desperate by enthusiasm, should have excited only *scorn*. But lest we should not sufficiently despise them for their alleged "mean condition," and want of "parts, power, credit, or interest," he informs us, in a note, that "Ludlow himself acknowledges, that about this time (summer of 1663) their friends in all parts began to entertain hopes that they might be again employed to rescue their country from servitude; and that, in this posture of affairs, Colonel *Algernon Sidney*, who had for some time resided in Italy, thought convenient to draw nearer home, that, if any opportunity should offer, he might not be wanting in his duty to the public service, and so resolved to winter in Flanders." (Ralph's Hist. 98. *note*.)

* Clarendon, in his speech in December, 1660, warned the public of the probable occurrence of some desperate outbreak soon. If dealt

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tious plot discredits the concurrent existence of a real one, its weakness will be apparent to those who consider that a plot is seldom feigned, unless some circumstance renders its existence probable. The attempt to apply this position to Clarendon is answered by the following passage in a letter from Bennet to Buckingham, two of the Chancellor's bitterest opponents: "How certain soever we morally are of the intended rising, of which we had many concurring informations here from several hands that could not conspire to abuse us, it is very possible you may not be able to produce such convincing proofs as will come home to the inquiry of the law. We must know how many designs of this nature were set on foot in the time of the Usurper, which could not be made punishable even by their extra-judicial proceedings." But he adds, "Upon the whole matter, it will conduce much to his Majesty's service, that what can be made clear may be made so, not only to vindicate us from the malice that may probably accuse us of having been afraid without cause, but also keep the country in a disposition to secure themselves and the public, whenever they shall be called upon again, which, for my part, I look will befall us often."*

It is very true, as observed by Bennet, that the adherents of Charles in exile must well know

with by this unjust measure, how plausibly might he have been assailed as the libeller of a peaceful people, if Venner's enterprise had not verified his prediction!

* *Miscellanea Aulica*, 308, 309.

how long a plot might exist in dangerous obscurity, ever ready to break forth, yet never punishable till perhaps too late. Yet the experience and vigilance of the Chancellor had been surprised by Venner's rising; and there was formidable evidence of the continued existence of this dangerous spirit. James, an enthusiast of Venner's party, was, ten months afterwards, convicted of having said, in a meeting, that the destruction of the King was at hand; and it is shown to have been alleged by one who had also been connected with Venner, that he was a member of an extensive confederacy existing in London about the end of the following year.

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But these men, it may be said, were Millenarians or Independents; and it was unjust to impute to Presbyterians that disaffection which was the characteristic of the former sects. The extent of this injustice we cannot ascertain. Yarranton's tale, if strictly true, proves only that some of them were calumniated on one occasion. Lord Clarendon, as it appears from his reported conversation with Monkton, and from several passages in private letters, seems to have entertained a sincere belief in the dangerous character of the Presbyterian party. Even Ralph, the asserter of their innocence, admits that appearances were much against them; and it seems that, unhappily for them, not only "some of the warmest and foolishhest of their partisans had used such discourses, and set forth such writings, as, when compared with their former conduct, induced the too credulous

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“ multitude to believe whatever was alleged against “ them ;” but even Baxter, their spiritual leader, introduced among his writing threats and hints of alarming import.* They also suffered the penalty of their own intolerance. The Independents and Anabaptists, resenting their attempt to obtain indulgence for themselves to the exclusion of other sects, now laboured to render them participators in the same charge of disaffection. It is even related that Owen, the head of the Independents, in an interview with the Chancellor, represented to him that the Presbyterians were “ full as dangerous” as the Independents were alleged to be ; and that, if distinctions were to be made, any favour to the Presbyterians was “ utterly inconsistent with “ the safety of the government.”† These circumstances, joined with the practical difficulty (perhaps impossibility) of distinguishing dangerous non-conformist sects from such as might be trusted, will greatly extenuate whatever blame belongs to Clarendon, for the severities in which Presbyterians were involved.

King's
speech at
opening of
third ses-
sion.

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Thus much was it necessary to premise, before adverting to the parliamentary proceedings of the third session, and to the speech (probably framed by Clarendon), in which, at its opening, the King addressed them. Adverting to the troubled state of the country, he said, “ You may judge, “ by the late treason in the north, for which so “ many men have been executed, how active the

* Ralph, i. 53.

† Ibid. i. 52.

“spirits of many of our old enemies still are;” — then stated, that this conspiracy was but a branch of that which had been discovered two years before, and “had been then executed nearer hand, if he had not discovered some of the principal contrivers, and prevented the performance of the intended mischief;” — that the malcontents in the north, were “still pursuing the same consultations,” and evidently “have correspondence with desperate persons in most countries, and a standing council in the metropolis, from which they receive their directions, and by whom they were advised to defer their last intended insurrection;” which orders “served only to distract them, and came too late to prevent their destruction. He then proceeded to inform the Parliament, “that these desperate men in their councils (as appears by several examinations) have not been all of one mind in the ways of carrying on their wicked resolutions. Some would still insist, upon the authority of the Long Parliament, of which, they say, they have members enough willing to meet; others have fancied to themselves, by some computation of their own, upon some clause in the Triennial Bill, that this present Parliament was at an end some months since; and that, for want of new writs, they may assemble themselves, and choose members of Parliament.” — “I confess to you, my Lords and Gentlemen,” pursued the King, “I have often myself read over that bill; and, though there is no colour for the fancy of the

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“determination of this Parliament, yet I will not
 “deny to you, that I have always expected that
 “you would, and even wondered that you have
 “not, considered the wonderful clauses in that
 “bill, which passed in a time very uncareful for
 “the dignity of the Crown, or the security of the
 “people. I pray, Mr. Speaker, and you, Gentle-
 “men of the House of Commons, give that Trien-
 “nial Bill once a reading in your house, and
 “then, in God’s name, do what you think fit for
 “me, and yourselves, and the whole kingdom. I
 “need not tell you how much I love parliaments.
 “Never king was so much beholden to parlia-
 “ments as I have been ; nor do I think the Crown
 “can ever be happy without frequent parliaments.
 “But assure yourselves, if I should think other-
 “wise, I would never suffer a parliament to come
 “together by the means prescribed by that bill” —
 meaning thereby (according to the interpretation
 which appears to me most consonant with the
 general tenour of the preceding expressions), that,
 however adverse to frequent parliaments, he would
 nevertheless always summon a parliament within the
 period prescribed, rather than allow it to meet by the
 operation of the bill ; — a bill which provided, that,
 on failure of the royal summons, the peers might
 meet, and issue writs to the sheriffs ; the sheriffs,
 on failure of the peers, might cause elections to be
 duly made ; and in their default, at a prescribed
 time, the electors themselves might proceed to
 choose their representatives.*

* With much diffidence do I dissent from the high authority of Mr.

The House of Commons, though it then contained a strong party opposed to the court*, acted

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Hallam; but, after the most careful consideration, I cannot subscribe to his interpretation of the foregoing passage in the King's speech. "So audacious a declaration, equivalent to an avowed design, in certain circumstances, of preventing the execution of the laws by force of arms, was never before heard from the lips of an English king; and would, in any other times, have awakened a storm of indignation from the Commons." (Const. Hist. ii. 448.) Yet there was then a "party in the House which had begun to oppose the court, and already showed itself in considerable strength." (ii. 449.) Was it then probable, that a House of Commons so constituted should not only have received tamely a declaration of such a character, but that they should even have exhibited unusual promptness in complying with the request which accompanied it? Such conduct, in such an assembly, creates a reasonable doubt whether they attached to the declaration an offensive meaning, and should lead us to inquire, whether the King's words cannot be interpreted in some other way. It appears to me, that the interpretation which I have given is more consonant both with the preceding expressions, and with the subsequent measures. The previous words complain of the calling together of parliament by *means* derogatory to the "dignity of the crown;" not of the *frequency* of parliaments, or of the limit to their intermission. The King says that, if he should disapprove of *frequent* parliaments, "he would never suffer a parliament to come together by the means prescribed" by this Triennial Bill. He must, then, effect this purpose either by summoning a parliament *before* the provisions of the Triennial Bill could come into operation, or by forcibly extending the intermission of parliament to more than three years. Assume the latter — and with what consistency does the King thank the Parliament for having passed a bill which, while repealing the Triennial Bill, re-enacts that parliaments should *not be intermitted* more than three years? If, in the face of these facts, we are still to regard his declaration as "equivalent to an avowed design of preventing the execution of the laws by force of arms," let us consider to what this hypothesis practically amounts. We are to suppose that a necessitous king, in a speech, wherein he sues to the parliament for support, and complains of the existence of dangerous conspiracies, threatens that, with a standing army not exceeding 5000 men, he will prevent, first, the peers from issuing writs to the sheriffs, — next, the sheriffs from causing elections to be duly made, — and, finally, the electors all over the kingdom from proceeding to choose their representatives! And this monstrous threat is supposed to be made with the sanction of a minister who had opposed the settlement of a large revenue on the King, lest he should thereby be rendered less dependent upon the Parliament.

* There were two divisions, on the 28th of March, of 83 to 140, and 88 to 134.

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upon these suggestions with unusual promptness. The Triennial Act was taken into consideration, and a resolution passed, on the 22d of March (the day after the King's speech), that a bill for the repeal of it should be brought in. Such a bill was read a first time on the 23d, and a second time on the 24th, when it was also committed; and the committee was directed to take care that, in the bill, there be no clause of coercion on his Majesty for the calling of parliaments, other than there is for the execution of other laws. It passed the Commons on the 28th, and on the 5th of April received the royal assent. It provided that parliaments should not be intermitted for above three years; but it omitted all means for the enforcement of this rule; and the act became nugatory even in the course of that reign.*

Conventi-
cle act.

The other most important measure of this short session was the act "to prevent and suppress seditious Conventicles." A bill of this description, together with one against the growth of popery, had been dropped in the Lords in the preceding session; and the King, in proroguing the parliament in July, 1663, had, in submission to the intolerant spirit of the lower house, promised to present two bills to them for the same purpose, when they met again. To this promise the King made no allusion in his speech to the Parliament,

* Three years and 313 days intervened between the dissolution of the last parliament under Charles II. and the death of that king; and four years, a month, and three weeks between the dissolution of that parliament and the meeting of the first parliament under James II.

in March, 1664. But the promise was performed in part. The bill against conventicles was brought in when the Commons had despatched the repeal of the Triennial Bill, and it received the royal assent in May. It declared that any meeting of more than five persons, in addition to the members of the family, for religious purposes not in accordance with the Liturgy and ceremonies of the church of England, was a seditious and unlawful conventicle; and enacted, that any person of above sixteen years of age so attending might be punished, on conviction before a single justice of peace, by a fine of five pounds, or imprisonment during three months, for the first offence; ten pounds, or six months, for the second offence; one hundred pounds, or transportation, for the third offence; and a further fine of one hundred pounds for any subsequent repetition.

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The Act of Uniformity had proscribed the dissenting clergy; this was levelled at their congregations. It naturally augmented the number of those who were secretly inimical to the existing government; and calamities which threatened the nation, such as the Plague, and war with Holland, were seized as opportunities for rendering this smothered enmity active and effectual.

Algernon Sidney and a numerous band of malcontents, assembled in Holland, offered their services to the Dutch, and corresponded with the disaffected in England.* Meetings of conspirators

* See Letter from Downing to Clarendon, Vol. III. p. 384.

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took place in England ; and plots were formed for seizing the Tower of London, and setting fire to the city. The leader was a Colonel Danvers, who, on detection of the plot, absconded ; but eight of his associates were seized, tried, condemned, and executed. In addition to these examples, the Parliament attainted all natural-born subjects who, after a specified day, should remain in the service of the Dutch. The Plague also afforded an opportunity for the zeal of the ejected Non-conformist clergy to display itself in a manner which was not the less regarded as obnoxious and dangerous, because it was, in some respects, entitled to the highest admiration. When the established clergyman had fled from the terrors of the pestilence, the enthusiastic Non-conformist had, in some instances, come forth to minister to the spiritual wants of the suffering people ; had occupied the vacant pulpit ; and, powerfully appealing to the excited feelings of a terror-stricken congregation, had represented the surrounding pestilence as a manifestation of God's wrath against a profligate court and a persecuting parliament. These things excited fear and jealousy. The plots recently detected, and the censures uttered by a few preachers against the immorality of the court, furnished a plea for inflicting fresh severities, and for treating all the Non-conformists as leagued disturbers of the public peace. Accordingly, in the Parliament which, in consequence of the Plague, met at Oxford, a bill was introduced, proposing to inflict a new and heavier species of oppression. It enacted that all

non-conforming clergymen should take an oath of non-resistance, declaring that it is not lawful, upon any pretence whatsoever, to take arms against the King, or against those commissioned by him, and that they will not, at any time, endeavour any alteration of government in church and state ; — enacted that whoever would not take this oath should be rendered incapable of teaching in schools, and should be forbidden under pain of fine and imprisonment, to abide within five miles of any city corporate or borough town sending members to parliament, or any place where he had exercised his ministry. This infamous bill was passed by the Commons without a division. In the House of Lords, where its most prominent supporters were Archbishop Sheldon and Bishop Ward, it was much opposed, and principally by Lord Southampton, who said, that “ he could take “ no such oath himself: for how firm soever he “ had always been to the church, yet, as things “ were managed, he did not know but he himself “ might see cause to endeavour an alteration !” *

The part which Lord Clarendon took on this occasion is not known. We can infer nothing with certainty respecting him from the part taken by Sheldon, or the opposite course pursued by his more esteemed and intimate friend Southampton ;

* Burnet, i. 390. Southampton in the upper house, and in the lower Vaughan (afterwards chief justice of the Common Pleas), moved that the word “ legally ” should be inserted before “ commissioned ; ” which was resisted on the ground that the word “ commissioned ” implied legality, an illegal commission being none at all.

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nor do Lord Clarendon's writings solve the doubt. From his being silent respecting this measure, as he was respecting others of which he had disapproved, we might infer that he disliked it. Yet we must draw a contrary inference from the praise he bestowed on the parliament at Oxford, as one which "so entirely sympathised with his Majesty," and "passed more acts for his honour and security than any other had ever done in so short a session." *

This passage, coupled with his apologetical notice of Southampton's too great indulgence to the Presbyterians, and the disposition towards severity to the dissenting party, evinced by his language and conduct on other occasions, lead us to fear that the part he took on this occasion was not such as the friends of his fame can regard with satisfaction.

This cruel measure was rigorously executed. The names and residences of all Non-conformist clergy were furnished to the bishops, in order that their retreats might be discovered, and all sojourners within interdicted limits summarily dislodged. Thus many unoffending men, whose conscientious disinterestedness had deprived them of their ecclesiastical incomes, were again excluded from those means of subsistence which they had subsequently adopted, and were driven from the vicinity of friends who had ministered to their comfort and support. The first persecuting sta-

* Life of Clarendon, iii. 1.

tute had deprived them of their preferments: the second debarred them from public worship: the third drove them from their homes. To this pitch had persecution risen within six years from the King's declaration, promising "indulgence to tender consciences!"

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It is unjust to impute to the instrumentality of Clarendon the measures of a parliament in which there is no reason to think that, after 1662, he exercised much influence; still more unjust to impute to him measures which were urged most vehemently and successfully in the house in which he did not sit. We have no proof, nor even reasonable ground for belief, that, if Clarendon had exerted his great abilities against the intolerance of the Parliament, his counteraction would have been successful.* But, at the same time, it is evident from his writings, that he viewed restrictive laws with favour; and the impartial verdict of posterity will find him guilty of, at least, approving what he did not dictate. But, ere the sentence is passed, let us weigh his culpability in a just balance, admitting all extenuating circumstances, and trying him by the standard of his own times.

In what school, and from what persons, could toleration have been learned by Clarendon? Whence could he have derived a counteracting

* The spirit of the Parliament was equally intolerant, when not only was Clarendon's influence withdrawn, but he was himself the victim of its persecution. In April 1668, a motion, "That his Majesty be desired to send for such persons as he should think fit, to make proposals to him, in order to the uniting of his protestant subjects," was negatived in the Commons by 176 to 70; and a bill for the continuance of the Act against Conventicles was passed by 144 to 78.

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influence against the intolerant precepts of his patron Laud? Was it from the parliament of 1641, which urged among its grounds of complaint the King's lenity to popish recusants? Was it from his fellow committee-men, who demanded the execution of the priest Goodman? Was it from the committee for "scandalous ministers," which, armed with inquisitorial powers, and under a plea of enforcing church discipline, persecuted the episcopal clergy with imprisonment, sequestration, and expulsion? No; the liberality of those times was less tolerant than the bigotry of the present. In 1643 papists were condemned, by parliamentary ordinance, to forfeit two thirds of all their property; sequestrations were permitted upon bare suspicion; and informers stimulated by a share of the spoil. In the same year the covenant was imposed as a test on the beneficed clergy, and it effected the expulsion of all those conscientious adherents to episcopacy whom the inquisitorial committee for "scandalous ministers" had been unable to reach. A number of the clergy, which Neal admits to be 1600, and Walker estimates at 8000, refused the test, and suffered beggary for conscience sake.*

In 1646 an attempt was made to revive the

* "The biographical collections," says Mr. Hallam, "furnish a pretty copious martyrology of men the most distinguished by their learning and virtues in that age. The remorselessness and indiscriminate bigotry of presbyterianism might boast that it had heaped disgrace on Walton, and driven Lydiat to beggary; that it trampled on the old age of Hales, and embittered with insult the dying moments of Chil-lingworth." (Constitutional History, ii. 226.)

punishment of death for *heresy*, which had not been inflicted since Legat and Wightman were burned in 1614. An ordinance was brought in to punish with death one Best, who had written against the Trinity. Best recanted, and his punishment was not pressed; but an ordinance passed, in May, 1648, by which it was made a capital offence to deny the Trinity, the incarnation, the atonement, or the inspiration of any book of the Old or New Testament.*

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The Independents, while struggling against the predominant intolerance of presbyterianism, signalled their opposition by maintaining, in theory, the principles of religious toleration—principles, a denial of which would, in truth, have been scarcely reconcilable with their assertion of the independence of each separate congregation in all matters of church discipline. But these theoretical champions of religious liberty, when they succeeded to the power of the Presbyterians, were scarcely less intolerant in practice. They were equal in rapacity, though they shed less blood: yet even under their sway Catholics were still executed, whose crime was their religion. Forfeitures were exacted with merciless severity. Two thirds of the earnings of the Catholic poor were wrung from them under the sanction of an oppressive statute; and their humble petitions were rejected with disdain. In 1650 an act was passed offering rewards for the detection of Roman Ca-

* Commons' Journals, January 1., April, 1646.; May 2. 1648. Whitelocke, 190. Neal, ii. 385.

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tholic priests, or their receivers and abettors; sanctioning domiciliary visits at all hours of the day and night; allowing the houses of Roman Catholics to be broken open, and Roman Catholics, or persons suspected to be such, to be apprehended almost at the pleasure of the officers, to be dragged before magistrates, and their books, and whatever appertained to religious worship, to be searched for, seized, and taken from them.

But the rigour exercised against Roman Catholics scarcely exceeded that which was displayed in the treatment of the Quakers.

The proceedings of the Parliament of 1656 against Naylor are not only opposed to the principles of toleration, but revolting to every feeling of humanity and justice. Twelve days was the case of this poor insane fanatic debated in the House of Commons, in a spirit on which we now look back with astonishment and disgust. English members of Parliament stood up and advocated the infliction of death for an offence which was not so punishable by the law of the land, and which they could render so punishable only by an *ex post facto* law. A member asked, "Shall punctilios, and moralities, and forms, bind and tie up a parliament?" and Smith (a judge!) rose to encourage the House in its iniquitous violations of justice, by telling them, that "our laws make it death for robbing a man, though he take but twelve-pence from him. Yet we make nothing of robbing God of his glory. My motion is, that a bill of attainder may be brought in; and, if you

“ have no other punishment that you would fill up the blank with, that he may be stoned to death.”* “ By the Mosaic law,” said Major-General Boteler, “ blasphemy was to be stoned to death. The morality of this remains; and, for my part, if this sentence should pass upon him, I could freely consent to it.” † In the same spirit, texts from the Old Testament, in favour of the punishment of blasphemy by death, were cited by several other members; in reply to whom it was justly observed by Sir William Strickland, that if they took their rules from those texts, they might punish with death “ sabbath-breaking and disobedience to parents.” ‡ Nebuchadnezzar and his fiery furnace, and even the example of the Turks, who put men to death for speaking against Mahomet, were quoted in the House in support of persecution. After ten days spent in debate, a great part of which was occupied in discussing whether the epithet “ horrid ” should be affixed to blasphemy, (during which time the most sanguinary sentiments were frequently expressed, and it was proposed that he should be condemned unheard, upon the sole report of the committee,) it was put to the vote, whether Naylor’s offence should be punished with death; and his life was saved only by a division of 96 to 82. Then followed a debate on the punishment that should be substituted; a debate in which malignity seems to have revelled, and than which any thing more execrably disgust-

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* Burton’s Diary, i. 87. † Ibid. i. 25, 26. ‡ Ibid. i. 131.

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ing is not to be found in our parliamentary annals.* The separate items of that aggregate of severities with which they propose to load the unhappy maniac were discussed with cold cruelty, like the clauses of a bill; and the result of the collective wisdom and justice of the only legislative assembly then existing in England was a resolution †, by

* In justification of the terms in which I have mentioned this debate, I subjoin the following specimens:—

“ The question for the lesser punishment being read, *Col. White* proposed that his (Naylor’s) tongue might be bored through.

“ *Major-General Harris*, that his tongue might be slit or bored through, and that he might be stigmatised with the letter B.

“ *Resolved*, That his tongue be bored through.

“ *Resolved*, That he be marked with the letter B.

“ *Major-General Whalley* proposed that his lips might be slitted.

“ *Colonel Coker*, that his hair might be cut off.

“ *Alderman Foot*, that his head may be set in the pillory, and that he be whipped from Westminster to the Old Exchange.

“ *Resolved*, That instead of the word ‘Cheapside,’ be added ‘Old Exchange.’

“ *Colonel Cromwell*, that he may be whipped through the whole city, from Westminster to Aldgate.

“ *Dr. Clarges*, that he may stand in the pillory in Glastonbury and Wells.

“ *Colonel Shapcot*, that his Bridewell may be at York, whence he came.

“ *Mr. Speaker* and *Sir William Strickland*. He came not thence: I shall put it upon Bristol.

“ *Mr. Ridley* and *Colonel Purefoy* proposed that his prison might be in the Isle of Scilly.

“ *Colonel Clarke*. If you put him to hard labour, indeed, Bridewell, London, is the fittest place. A gentleman in my eye will inspect it.

“ *Mr. Bond*. Do what you can, resort for monies will be had to him.

“ Send him rather into the Orcaes, or Scotland, or other remote parts.

“ *Mr. Pullen* proposed that he might be sent to Jamaica.” (Burton’s Diary, i. 153, 154, 155.)

† Commons’ Journals, Dec. 16. 1656, vii. 468. This monstrous sentence was consistently followed by another debate, in which it was proposed that it be entered in the Journals, that the aforesaid was “adjudged,” in order that Naylor might not enjoy the protection of the *habeas corpus*, and be released by the courts of law when the parliament was dissolved,—in which it was reluctantly conceded that he should be called to the bar, and asked what he could say why judgment should not be passed against him,—and in which, when such a summons was at length accorded, it was rendered a cruel mockery by the refusal to hear his defence.

which this man, who would now be treated with considerate pity, was consigned to the following barbarous punishment. He was, on two successive times, placed in the pillory for two hours,—received about 300 lashes between Palace Yard and the Old Exchange,—had his tongue bored and his forehead branded with hot irons,—was taken to Bristol, where he was flogged in five parts of the city—was dragged back to London, and there immured in solitary confinement, without pen, ink, paper, fire, or candle, to be dependent for subsistence on his daily labour.

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It would be injustice not to mention that Cromwell disapproved of these severities, and, in his opening speech to this persecuting parliament, in September, 1656, expressed principles widely at variance with the bigotry of that assembly.* Yet, if we would form a correct estimate of the state of public opinion, we must assuredly look rather at the recorded proceedings of the Parliament, than at the more liberal sentiments which may have emanated from the master mind of one great man. But Cromwell did not recognise the principle of toleration. With him it was a question, not of principle, but of degree—a question, not whether any class of religionists should be punished for their opinions, but to what extent severity might be carried. He saw impolitic violence in the conduct of the Parliament—violence tending to defeat its professed

* Burton's Diary, i. 165—169.

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purpose, and to enlist compassion on the side of the culprit. Accordingly he disapproved, even as a judge anxious for the suppression of crime might disapprove of the infliction of the utmost rigour of the law in the case of many of those offences which, not long ago, were rendered capital by our sanguinary code.

Compared with Cromwell's persecuting parliament, Clarendon was tolerant. It is true, he had not sufficiently imbibed that mild and charitable spirit which breathes in the writings of Jeremy Taylor, raised, under his administration, to the bishopric of Down and Connor. But there is no reason to believe that he dissented from the opinions advanced in the "Liberty of Prophesying," nor did he urge restrictions on any grounds save those which Taylor has admitted.* We see in him no indications of a disposition to restrain opinions, simply because they were deemed erroneous, as long as they were not dangerous to the public peace. He would not, like the Presbyterians, have absolutely divided sects into tolerable and

* Taylor, in his "*Liberty of Prophesying*," says, that "although heretical persons are not to be destroyed," yet "if it be false doctrine in any capacity, or doth mischief in any sense, or teaches ill life in any instance, or encourages evil in any particular, *δὲ ἐπιστομίζων*, these men must be silenced." Again: "If either themselves or their doctrine do evilly, and, without colour or feigned pretext, disturb the public peace and just interests, they are not to be suffered." Again, in the 19th section: "Doctrines that inconvenience the public are no parts of good religion. The safety of the state is a necessary consideration in the permission of prophesyings: for, according to the true, solid, and prudent ends of the republic, so is the doctrine to be permitted or restrained, and the men that preach it, according as they are good subjects and right commonwealthmen."

intolerable, regardless of incidental circumstances, and without reference to their political opinions; nor would he have employed the argument urged by Baxter*, that as there is but one safe way to salvation, the King is bound in conscience not to give liberty to his subjects to go any other way. Though a religious man, and attached to the principles of the Church of England, he never displayed what zealots would term a "disinterested" hatred of those who dissented from its doctrines.† He showed no wish to molest dissenters on any grounds independent of the temporal consequences which might be apprehended from their dissent. He seems to have considered, with Jeremy Taylor, that the permission of any sect "is a question rather political than religious." Regarding the episcopal establishment not only as means for the furtherance of the religious doctrines which he

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* Fair Warning; or, XXV Reasons against Toleration and Indulgence of Popery, 1663.

† "Nothing is more mistaken, or more misapplied," said Clarendon, in his answer to Cressy, "than this precious word *unity*. Who doth not know, or hath not had it frequently in his observation, that men who have the same end affect several ways which lead to that end, and he who goes the farthest way about, may possibly come sooner to the end than he that believes he goes more directly to it?" (Animadversions, 108.) "It hath been an artifice introduced to perplex mankind, and to work upon the conscience by amusing and puzzling the understanding, to persuade men to believe that there is but *one church* and *one religion* in which men may be saved; that by their confident averring themselves to be *that church*, and of *that religion*, others may be prevailed with to be of *their party*." "There is indeed but *one faith*, which no authority upon earth can change, or suspend, or dispense with; but *religion*, which is the uniting, or the being united, of pious men in the profession of that faith, may be exercised in *several* and *different forms* and *ways*, and with *several ceremonies*, according to the constitutions and rules of the several countries and kingdoms where it is practised." Animadversions, 127-8.

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espoused, but as a state engine* —an adjunct conducive to the support of monarchy—it followed, as a necessary consequence, that he should view under their political relations, and with reference to the same object, those sects which dissented from it. His support or discountenance of religious opinions had reference to the temporal interests of the monarchy; and his support of restrictive measures was dictated by an erroneous view of what was essential to the public *peace*. He distinctly disclaims the propriety of restraining error upon any other ground than this. “The sovereign authority,” he says, “knows best how to preserve *peace*, in which the being of a nation consists, and how to reform errors which are grown, and prevent those which are growing, by such ways as may not disturb that peace; and such errors as are grown too obstinate, and are too deep rooted to be pulled up without shaking the whole peace of the kingdom, he will let alone, drawing by degrees such nourishment from it as most cherishes it, until a fitter season for the entire cure of it. No reformation is worth the charge of a civil war.” “Christianity hath paid very dear for the too hasty and passionate application of remedies to many confessed diseases,

* The following passage, in his latest work, discloses his opinions on the mutability of religious institutions, and the principle of utility on which their privileges could alone be grounded. “Let it be confessed that the religion and piety of all ages is not obliged to produce the same fruit and effects; and that we may very well retrench the privileges which our ancestors granted to churchmen in a time when they were found to be the best props and supporters of the peace and security of kingdoms.” (Religion and Policy.)

“ when the disease was not ripe for the remedy,
 “ nor the remedy proportioned to the disease.” * CHAP.
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It is scarcely correct to say that Clarendon was infected with *religious* intolerance, though he may perhaps have co-operated with those who were so. Such a term is applicable only to the object of his intolerance, and not to its source. *Religious* differences were made the tests by which *political* differences might be detected; and a sect suffered at his hands only because it was identified with a party. But it is difficult to believe that any feeling which could be strictly denominated *religious intolerance* could reside in the breast of one who had publicly uttered the following words:—“ It is
 “ a consideration which must make every religious
 “ heart to bleed, to see religion, which should be
 “ the strongest obligation and cement of affection
 “ and brotherly kindness and compassion, made
 “ now, by the perverse wrangling of passionate
 “ and froward men, the ground of all animosity,
 “ hatred, malice, and revenge. And this unruly
 “ and unmanly passion (which, no question, the di-
 “ vine nature exceedingly abhors) sometimes, and,
 “ I fear, too frequently, transports those who are in
 “ the right, as well as those who are in the wrong,
 “ and leaves the latter more excusable than the
 “ former, when men, who find their manners and
 “ dispositions very conformable in all the neces-
 “ sary obligations of human nature, avoid one

* Animadversions on Cressy, 136, 137.

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“ another’s conversation, and grow first unsociable,
“ and then uncharitable, to each other, because
“ one cannot think as the other doth.”* These
words occur in a speech delivered by the Lord
Chancellor, addressed to both Houses, at the ad-
journment of the Parliament, on the 13th of Sep-
tember, 1660.

* Lords’ Journals, xi. 175. In a similar spirit does he say, at the conclusion of his “ Religion and Policy,” written, as appears by the appended date, in February, 1674 (the last year of his life), that “ when
“ no mischievous action doth necessarily result from our opinions, *how*
“ *erroneous soever*, we should be no more offended with each other for
“ those differences than for the distinct colour of our eyes or hair.”
Religion and Policy, ii. 711.

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FINANCIAL MEASURES.—ARRANGEMENT MADE BY CLARENDON AND SHELDON WITH RESPECT TO THE TAXATION OF THE CLERGY.—APPROPRIATION OF SUPPLIES.—DOWNING'S PRO-
VISO.—CLARENDON'S ILLNESS.—CONFERENCE OF THE KING AND HIS MINISTERS IN CLARENDON'S CHAMBER.—INSPEC-
TION AND AUDIT OF PUBLIC ACCOUNTS.—APPOINTMENT OF COMMISSIONERS.—OPPRESSIVE MEASURES OF THE ENGLISH PARLIAMENT IN PROHIBITING THE IMPORTATION OF CATTLE FROM IRELAND.

1664—1667.

WHILE viewing the internal politics of England, I must advert to some important changes in the system of Finance; and, first, to the provisions of the money bill, which passed both Houses of Parliament in February, 1665. From the commencement of the civil war till the restoration of monarchy the method of supply by grant of subsidies had been superseded by that of monthly or quarterly assessments on counties. After the Restoration the method of subsidies had been resumed; but it was found to be inconvenient and unproductive; and accordingly, in the bill for raising two millions and a half, voted on the motion of Sir Richard Paston, it was provided that the supply should be levied in three years, by twelve quarterly assessments, on the several counties of England and Wales: and thus the method

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the clergy.

of supply by subsidies was laid aside, and has never been revived.*

This change was accompanied by another—a change in the taxation of the clergy. They had been accustomed to tax themselves, granting subsidies in convocation, which grants were confirmed by act of parliament. Upon the introduction of assessments on counties, during the civil war, the clergy were taxed in common with the laity; but on the King's return, and on the resumption of the method of subsidies, they had resumed their privilege of taxing themselves. It was a privilege, however, which they appear to have valued little. They probably found it burdensome and invidious, and perhaps believed that, by submitting to be taxed with the rest of the community, they should bear a lighter burden than they had been obliged to impose on themselves. Considerations like these (as we are told by Echard) brought Sheldon and other leading prelates into communication, on this subject, with Clarendon, Southampton, and other of the ministers †; and by a verbal agreement between Sheldon and Clarendon, it was settled that the clergy should waive their right of taxing themselves, and should be included in the forthcoming money bill. ‡ In consideration of this agreement, the clergy obtained the remission of two of the four subsidies which they had granted in the pre-

* A proviso for saving the ancient right of being taxed by way of subsidy was negatived. (See Commons' Journals, January 31. 1665.) This shows that a determination then existed to abandon this mode of taxation for ever.

† Echard, 818.

‡ Burnet's Own Times, i. 340. note; iv. 508. note.

beding year. A proviso to that effect was inserted in the bill *; and also a proviso, that “nothing therein contained shall be drawn into example, “to the prejudice of their ancient rights.” The power of taxing in convocation was thus expressly reserved to the clergy, but it was never exercised again. Convocations met not unfrequently between this period and the reign of George I., and great efforts were made to increase their efficiency in all other matters affecting the church. Twice did the Lords address the throne, in 1675 and 1677†; and the claim of the convocation to be consulted on all ecclesiastical questions was ably advocated by the pen of Atterbury. But the pretensions put forth by the lower house of convocation, and their encroaching attempts to set themselves up as an ecclesiastical house of commons; their mischievous activity and factious violence; their evident hostility to the liberal principles of the house of Brunswick; and their denunciation of Hoadley, Bishop of Bangor, the friend of an administration to which they were opposed, who had preached in favour of religious liberty, conspired to produce a determination in the crown to put an end to their troublesome existence. The convocation was accordingly prorogued in 1717; and since that time it has never transacted any business. The clergy have obtained representation in another and a better mode; and since they gave up the right of taxing

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* Commons' Journals, Jan. 31. 1665.

† Lords' Journals, Nov. 19. 1675; Feb. 22. 1677.

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themselves, they have very properly been allowed to vote for members of the House of Commons. Whether their enjoyment of this privilege formed part of the agreement between Clarendon and Sheldon, and from what period they began to exercise it, are questions still unsolved: but, as it is pointed out by the Speaker Onslow, "there are two acts of parliament which suppose it to be now a *right*"—10 Anne, c. 23., and 18 Geo. II., c. 18.; "and here," he adds, "it is best the whole of this matter should remain without further question, or consequence of any kind."*

Appropriation of supplies.

This change in the mode of levying taxes was accompanied by the establishment of a very important principle—the appropriation of supplies to particular purposes designated by the Parliament. Such appropriation was not without precedent. Examples might be found in the times of the Plantagenets†, one in the reign of

* Burnet's Own Times, iv. 308, *note*. Speaker Onslow says, "Gibson, Bishop of London, said to me, that this was the greatest alteration in the constitution ever made without an express law."

† There are early instances of the Parliament both appropriating supplies, and requiring an account of the expenditure. The first is in the reign of Edward III., 1340, when William de la Pole and John Chamels were called before persons appointed by the Parliament, and were required to render an account. The next is in 1345 (quoted by Mr. Hallam in his Constitutional History), where the Commons, in granting supplies, provided, "que les deniers de ce levez soient dispensés en les besoignes a eux monstrez a cest parlement par avis des grauntz a ce assignez, et que les aides de la Trent soient mys en défense de Nord." In 1378, the first year of the reign of Richard II., the Commons, on granting a supply, required that auditors, or treasurers, might be appointed, "au tiel effect que celles deniers fussent tout entièrement appliez à les depenses de la guerre, et nemye auter part par aucune voie." (Rot. Parl. iii. 7.) In 1380 a commission was issued (in consequence of an address from the Commons to the Crown), giving to several persons a power "examinandi et supervidendi quas-

James I.*, and several under the Long Parliament. These latter precedents were now unpopular; and since the Restoration the appropriation of supplies was not attempted till, in 1664, the Commons, on the occasion of the enormous grant voted on the motion of Sir R. Paston, resolved, "That the five-
 "and-twenty hundred thousand pounds' supply for
 "his Majesty shall be raised in three years, and
 "applied towards the maintenance of the Dutch
 "war."† The principle of appropriation was here recognised; but it was more formally and expressly established by a proviso which, in the following year, when the Parliament met at Oxford, and voted a supply of 1,250,000*l.*, was moved in committee by Sir George Downing.

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The purport of this proviso, according to Lord Clarendon, was "to make all the money that was
 "to be raised by this bill to be applied only to
 "those ends to which it was given, which was the
 "carrying on the war, and to no other purpose
 "whatsoever, by what authority soever." The Solicitor-General opposed the proviso, "as intro-
 "ductive to a commonwealth, and not fit for

"cunq̄ue summas et modum expensarum ac statum hospitii nostri." (Rymer's *Fœdera*, vii. 250.) In 1406, under Henry IV., the Commons required that auditors might be appointed to examine the accounts of the treasurers of war during the time of the last Parliament. Also, that *three parts* of the subsidy granted to the merchants for keeping the sea be paid to them, and that the fourth shall only be employed for the defence of the realm. Also, that all the revenues and profits of the realm granted since the beginning of the Parliament may be resumed into the king's hands, and reserved for the maintenance of his house. See *Hatsell's Precedents*, iii. 62. *et seq.*

* See *Commons' Journals*, March 20. 1623; Feb. 21. 1625.

† *Ibid.* Nov. 25. 1664.

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“monarchy;” and “it was observed, that the assignment of the money that was given by Act of Parliament to be paid in another manner and to other persons than had been formerly used, though there wanted not plausible pretences, was the beginning of the late rebellion.” Such arguments had undue weight, and might have prevailed, if the King, who had been induced by the arguments of Downing and Coventry to approve of the proviso, and who feared to thwart the liberal dispositions of his munificent Parliament, had not commanded the Solicitor-General to withdraw his opposition; and after the bill had been several days discussed in committee, it was passed by the Commons on the 21st of October, and sent up to the House of Lords.*

Great objections were nevertheless made to the bill by several members of the King’s government, and, among them, by Lord Clarendon; and much discussion is said to have ensued, for the account of which we must rely entirely on Lord Clarendon’s authority. But it is necessary to premise that reliance on this authority is considerably shaken by the inaccuracy of his statements, which appears on comparison with the superior evidence of the Journals.†

* Life of Clarendon, iii. 10—13. Commons’ Journals.

† Take the following examples:—“The novelty in this act,” says Lord Clarendon, “so surprised the lords, that they thought it worthy a very serious deliberation, and used not their customary expedition in the passing it.” (Life of Clarendon, iii. 15.) It appears from the Lords’ Journals, that the bill being sent up from the Commons on Saturday, the 21st of October, was on that same day read a first and

That Lord Clarendon was ill at this time is a fact which the Journals corroborate. He was never present in the House of Lords, during this session, after the 13th of October; and on the 16th the Journals exhibit a "*Memorandum*, that, " by reason of the indisposition of the Lord Chancellor's health, his Majesty granted a commission, " under the great seal of England, for appointing " the Lord Privy Seal to be Speaker of the House " of Peers, in the absence of the Lord Chancellor." *

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In consequence of Clarendon's illness, a meeting for the private discussion of the bill, attended by the King, the Duke of York, the Lord Chancellor, the Lord Treasurer, Lords Ashley and Arlington, the Attorney and Solicitor Generals, Sir William Coventry and Sir George Downing, was assembled in Lord Clarendon's chamber, where he was then confined to his bed. The objections to the proviso were opened by Lord Ashley. Its novelty, the probability that it would be repeated ever afterwards, the difficulty it would

second time, and committed; and on Monday, October the 23d, was read a third time, and passed. (Lords' Journals.)

"It happened," pursues Lord Clarendon, "to be in an ill conjuncture when the terrible cold weather kept the Lord Treasurer from going out of his chamber for fear of the gout, of which the Chancellor laboured then in that extremity that he was obliged to remain in his bed, and neither of them had received information of this affair." (Life of Clarendon, iii. 15.) The parliament met on the 9th of October, and the Lord Treasurer was present on the 10th, 11th, 12th, 13th, 17th, 20th, 21st, 23d (on which two latter days the bill passed through all its stages), 25th, 26th, 27th, 30th, 31st, on which day the parliament was prorogued (not, as Lord Clarendon says, "to April following," but) to the 20th of February. (Lords' Journals, October, 1665, *passim*.)

* Lords' Journals, Oct. 16. 1665.

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create in assigning monies to defray any casual expenses, its tendency to make the Lord Treasurer and Chancellor of the Exchequer subordinate in authority to the Tellers of the Exchequer, the injustice of preventing the payment of previous debts out of the present supply—these were the objections principally enforced. On the other hand, the needy King was influenced by an assurance that he would “never more have need of “the bankers,” who had recently exhibited a reasonable distrust; “for that this act would be no “sooner passed but, upon the credit of it, money “would be poured into the Exchequer faster than “it could be told.” * “Upon the whole matter,” says Lord Clarendon, “his Majesty chose that no “interruption should be given to it in the House “of Peers, and only *such small amendments which “would be as soon consented to in both Houses as “read should be offered*, rather than run the other “hazard of delay; and so, accordingly, it was “passed; and, *upon the doing thereof*, the Parliament was prorogued *to April following.*” †

This single sentence contains not less than three mis-statements. The Lords passed the bill “without any alteration or amendment.” ‡ The prorogation of Parliament did not take place “upon “the doing thereof,” as if it had been deferred for the sake of this measure, but on the 31st of October. Three important bills were read a first time on the 25th of October, after the money bill

* Life of Clarendon, iii. 21.

† Ibid. iii. 23.

‡ Lords' Journals, Oct. 23.

had been passed ; and a still more important measure, the Five-Mile Act, was read a first time on the 26th ; and the Parliament was prorogued, not “ to April following,” but to the 20th of February. So little reliance can we venture to place on Lord Clarendon’s accounts of parliamentary proceedings!

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It is charitable to hope that similar inaccuracy prevails in his account of his own conduct during the discussion in the King’s presence. “ In this “ debate,” says Lord Clarendon, “ upon the insolent behaviour of Downing, in the defence of “ that which could not be defended, and it may “ be out of the extremity of the pain which at that “ time he endured in his bed, the Chancellor had “ given some very sharp reprehensions to Downing for his presumption in undertaking to set “ such a design on foot, that concerned the whole “ fabric of the Exchequer (in which he was an inferior officer), and such a branch of the King’s “ revenue, without first communicating it to his “ superior officers, and receiving their advice ; and “ told him, ‘ that it was impossible for the King “ ‘ to be well served, whilst fellows of his condition were admitted to speak as much as they “ ‘ had a mind to ; and that, in the best times, “ ‘ such presumption had been punished with imprisonment by the Lords of the Council, without the King’s taking notice of it ;’ which, “ with what sharpness soever uttered (in which he “ naturally exceeded on such occasions), in a case “ of this nature, in which, with reference to any “ disrespect towards himself, he was not con-

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“cerned, he thought did not exceed the privilege
“and dignity of the place he held; and for which
“there were many precedents in the past times.”*

This reprehensible conduct of Clarendon afforded to the King the rare opportunity of expressing *just* displeasure, and lent a sanction to that dislike which, for *unjust* reasons, he was then nourishing. The unconstitutional violence of Clarendon's language naturally tended to weaken his authority; and his overbearing demeanour towards a leading member of the House of Commons, sowed thick the seeds of dangerous enmity against the Chancellor in that assembly.

Inspection
and audit of
public ac-
counts.

The Parliament found that provisoes declaratory of a particular appropriation were unavailing, unless supported by means for ascertaining how the money was applied. The resolution of the Commons, that the 2,500,000*l.* should be “applied towards the maintenance of the Dutch war,” and Downing's proviso respecting the grant of 1,250,000*l.*, had not prevented the diversion of enormous sums to purposes which the Commons did not contemplate. The precedents of 1340, 1378, 1380, and 1406, and the more recent examples of the control which, during the time of the Commonwealth, the Parliament, through its committees, had exercised over receipts and expenditures, were again cited in favour of some efficient check. When the Parliament met, in September, 1666, the Commons ordered the accounts of the navy, ordnance, and stores to be laid

* Life of Clarendon, iii. 22.

before the House, and appointed a committee to inspect them.* In the Poll-Tax Bill they introduced a proviso, that there should be a committee of nine persons for the inspection of all the accounts of money voted and spent for the war. This proviso was carried by 119 to 83†;—though, according to Pepys, it was “mightily ill taken by all “the court party as a mortal blow, and that that “strikes deep into the King’s prerogative,”—though it made “the King and court mad,”—and though, in defence of the crown and constitution, Charles had “given order to my Lord Chamberlain “to send to the playhouses and brothels, to bid all “the parliament men that were there to go to the “Parliament presently.”‡ For the more effectual control of the public expenditure, the Commons afterwards passed a bill, appointing such persons as the Parliament shall think fit as commissioners for the inspection and audit of public accounts. This bill, according to Lord Clarendon, was principally aimed at Sir G. Carteret, Treasurer of the Navy, and Lord Ashley, Treasurer of Prize-money. “The “former,” says Lord Clarendon, “was a punctual “officer and a good accountant,” and had already passed his account in the Exchequer: but the latter “had more reason to be troubled, for he “was, by his commission, exempted from giving “any other account but to the King himself, “which exemption was the only reason that made “him so solicitous for the office; and he well

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* Commons’ Journals, Sept. 21. 26. 28. 1666.

† Ibid. Dec. 7. 16. 1666.

‡ Pepys, iii. 102, 103.

CHAP. XIII. "knew that there were great sums issued which
"would not be put into any public account." *

1666.

Clarendon had protested against Ashley's appointment, and with his being invested with a power so liable to be grossly abused. Yet, too anxious to avoid the exposure of abuses which he had been unable to prevent, and swayed perhaps by recollection of the Long Parliament, and an overweening fear of parliamentary encroachment, he lamentably encouraged the King's determination to withhold his assent from this valuable measure. He told the King, "that he could not be too indulgent in the defence of the privileges of Parliament; that he hoped he would never violate any of them; but he desired him to be equally solicitous to prevent the excesses in Parliament, and not to suffer them to extend their jurisdiction to cases they have nothing to do with; and that to restrain them within their proper bounds and limits is as necessary as it is to preserve them from being invaded. That this was such a new encroachment as had no bottom; and the scars were yet too fresh and green of those wounds which had been inflicted upon the kingdom from such usurpation. And, therefore, he desired his Majesty to be firm in the resolution he had taken, and not to depart from it; and if such a bill should be brought up to the House of Peers, he would not fail in doing his duty, and speaking freely his opinion

* Life of Clarendon, iii. 130.

“against such innovations, how many soever it
“might offend.”*

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1666.

Direct opposition would have been dangerous; and recourse was had to an expedient for taking the nomination of the inspecting commissioners out of the hands of the Parliament. After the bill had been read a second time in the House of Lords†, the Lords moved a petition to the King, stating the reasonable fears of misapplication of public money, and praying him “to grant a commission, under the great seal, to such persons of credit and reputation as ‘to his Majesty’ shall seem ‘fit, to examine and state the said accounts,’ to the end that the same may be presented to the two houses of Parliament.”‡ The King accordingly intimated his pleasure that a commission should pass, appointing persons, whom he named, to examine the public accounts. §

But the Commons did not tamely submit to this attempt to elude the searching inquiry which they intended; and in a conference with the Lords they communicated their vote, “that this proceeding of the Lords, in going, by a petition to the King for a commission for taking the public accounts, there being a bill sent up from the House of Commons, and depending before the Lords, for taking the said accounts in another way, is un-

* Life of Clarendon, iii. 132.

† Lords’ Journals, Dec. 19. 1666.

‡ Ibid. Dec. 20. 1666.

§ Pepys says that, with the exception of Sir W. Coventry and another, the king had “named all the rest the Parliament named, and all ‘country lords, not one courtier.’” (Pepys, iii. 118.)

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1667.

“parliamentary, and of dangerous consequence* ;” and, after stating their reasons, they desired that the Lords will proceed with the bill before them. The Lords offered a weak defence ; read the bill a third time †, and returned it to the Commons, with some slight alterations. The subsequent conduct of the Commons is inexplicable. Having gained this important bill, they allowed their brief remaining time to be consumed in ineffectual notices of the proposed amendments, and did not present it for royal assent, “the party,” says a contemporary writer, “being willing to let it fall.” ‡

The grant of 1,250,000*l.*, and the means of raising it by eleven monthly assessments and a poll-tax, were passed ; but the Speaker, in his address on presenting them, offered no explanation of the singular omission of the bill for auditing public accounts. The omission, however, was noticed by the King, and it gave him an opportunity of doing that which the Commons had resisted in December. “I thank you,” he said, “for this other “Bill of Supply which you have given me ; and I “assure you, the money shall be laid out for the “ends it is given. I hope we shall live to have “bills of this nature in the old style, with fewer “provisoes. I looked to have had somewhat of- “fered to me concerning the accompts of the “money that hath been already raised since the

* Commons' Journals, Jan. 8. 1667 ; Lords' Journals, Jan. 12. 1667.

† Lords' Journals, Jan. 24. 1667.

‡ Commons' Journals, Feb. 6, 7, 8. 1667. Pepys, iii. 139.

“ war ; which since you have not done, I will take
 “ care (after so much noise) *that the same be not*
 “ *stifled*, but will issue out my commission in the
 “ manner I formerly promised the House of Peers.
 “ And the commissioners shall have very much to
 “ answer, if they do not discover all matters of
 “ fraud and cozenage.” *

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The King then granted a commission in April, prudently appointing “ all those persons who were nominated for commissioners in the bill sent to the house of Lords by the Commons ;” but he was not willing that such a strict account or examination should be made, especially into the receipts of the Lord Ashley for the prizes, that all the world should know what money had been issued out by his own immediate orders, and to whom.† The investigation was meant to be illusory ; and such, in fact, it appears to have been ; for it had no important result.‡ In the ensuing session the House of Commons took the inquiry into their own hands. They brought forward their bill again, and it passed into a law. It invested commissioners, some of whom were members of either house, with extensive powers, both in the auditing of accounts and investigation of fraud, empowering them to examine on oath, to

* Lords' Journals, Feb. 8. 1667. Life of Clarendon, iii. 182, 183. Lord Clarendon makes no allusion to this strange conduct on the part of the Commons ; but with that inaccuracy of which we have such frequent instances, mentions the bill for accounts as if it had been dropped in the Lords, saying that it “ remained still in the House of Lords, not fully discussed.” (Life of Clarendon, iii. 182.)

† Life of Clarendon, iii. 184.

‡ Pepys, iii. 210.

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1666.

commit without bail for disobedience of their orders, and to direct processes to be issued by the barons of the Exchequer for the recovery of money. Much misapplication of the public revenue was brought to light by these inquiries. Unaccounted balances of 1,509,161*l.* were reported; and Sir G. Carteret, Treasurer of the Navy, being discovered to have issued money without legal warrant, was, upon the information of the commissioners, in December 1669, expelled from the House of Commons.*

Irish Cattle
Bills.

The other most important measure of the session of 1666, was one not creditable to the character of the Parliament. It showed the strength and stubbornness of the English agriculturists, and the illiberal spirit of partial legislation in which they were not ashamed to act. The English landlords had complained, in 1663, that above 60,000 beeves, beside sheep, were imported in one year from Ireland, and that their rents were lowered by the competition to the amount of 200,000*l. per annum.* To prohibit the importation of cattle and sheep, from both Scotland and Ireland, was the remedy modestly proposed; and, accordingly, a clause was introduced in a bill, strangely intitled a bill “for the Encouragement of Trade!” which passed the Lords on July 24. 1663, and in which such prohibition was enforced. This measure was carried so hastily through both Houses, and so little notice was

* Commons' Journals.

given to the Irish, that Lord Anglesey, who came over with instructions from the Lord Lieutenant to oppose it, could be present only at the third reading, and enter his protest on the Journals of the House.* The unjust measure became law. Its effects were soon severely felt: and the council of trade in Ireland drew up a representation, which, in November 1664, was transmitted to the Duke of Ormond, then in England, to be laid by him before the King. The distress which ensued in consequence of this act, and the cruelty of depriving a people already impoverished, and slowly recovering from wasting wars, of almost the sole vent for their principal commodity, were forcibly displayed by the transmitted representation, and the earnest appeal of the Lord Lieutenant. The King was convinced; and many members of the council were impressed with the impolicy and cruelty of the restriction. Not so the majority in Parliament. Rents had not risen as was expected; so a still harsher measure must be tried. The Irish, unable to send over live cattle, had exported them to England killed and salted. This, too, must be denied; and in October 1665, at Oxford, whither the Parliament had removed on account of the Plague, a bill was brought in to prohibit the importation into England, from Ireland, not only of the living animal, but even of the salted meat. It proposed to inflict increased penalties; and, lest the King should

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* Lords' Journals, July 24.

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remit his part of the forfeiture, gave half to the informer, and half to the parish where the property was seized. The second reading was carried by 103 to 52; the third reading, by 81 to 68, on the sixth day after its first introduction.* Sir Heneage Finch, the Solicitor-General, opposed it earnestly and ably. He was "never known," says Carte, "to exert himself so much; but had an angel spoken, it would have signified nothing." † He could not even induce the House to pause. When leave was obtained for such persons as would appear on behalf of Ireland to attend in the committee, for the purpose of alleging what they had to offer against the measure, and when Sir William Petty, the Bishop of Limerick, Robert Boyle, and Sir R. Southwell, accordingly presented themselves, they were, after a long discussion, denied a copy of the bill, or even of the heads of it. "It might be once read over, and they must then say, immediately, what they had to offer in objection," — an insulting and delusive permission, which they wisely declined. ‡

In the Lords, Clarendon spoke against it; so, too, did the Duke of York; and the King intimated that if it passed, he should not give assent. It was, however, read a first and second time, and committed §, when the prorogation prevented its

* Commons' Journals, October 18, 24, 1665.

† Carte's Life of Ormond, ii. 322.

‡ Commons' Journals. Carte, ii. 322.

§ Lords' Journals, October 25 and 26.

progress. Ireland thus gained a respite, and the means of making fresh representations. Cattle had fallen to a fifth of their former value, and distress was so general, that the Irish people were unable to pay the subsidies which their parliament had granted. Again the Lord Lieutenant of Ireland laid a statement before the King, showing what destruction the prohibition would bring upon Ireland, and intreating that the prevention of problematical injury to a portion of England might not be made an effectual plea for bringing certain ruin on a whole kingdom. His representation urged, “that his Majesty’s subjects of Ireland were, “by the laws of both countries, natural English-men;” that their cattle “might be accounted “nine parts in ten of their trade,” to prohibit the exportation of which “would reduce them to such “a condition as not to be able to subsist, or pay “their taxes, or hold their wonted correspondence “and traffic with England;” “that the condition “of Ireland, after a long and wasting war, horrid “massacres of people, and confused and uncertain “settlements under the variety of usurpations “which prevented improvements, and hindered “men from knowing their properties, was such “as required all just and honourable means to be “used for bringing money into the kingdom;” “that Ireland was bound up by several statutes, “made for the good of England, from transporting wool and other of their commodities to

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 1666. “any other part of the world;” that they “could
 “not possibly consume them at home;” and
 “that the destruction of their trade would defeat
 “the intent and benefit of a late act for encou-
 “raging Protestant strangers to settle in Ire-
 “land.” *

Aug. 15. Soon after this representation was laid before
 the King, a subscription was raised in Ireland for
 English sufferers by the fire of London. It was
 to be paid in cattle; and 30,000 were sent over.
 This charity, thus administered, only exasperated
 the advocates of prohibition, and was treated as a
 crafty contrivance for stopping the bill. On the
 Sept. 21. *first* day of the session which was held soon after
 the fire of London, a bill for the prohibition of
 cattle and meat from Ireland was again presented
 to the House of Commons; and the Commons,
 untaught, unsoftened by all that had occurred,
 Oct. 13. passed it by 165 to 104. In the House of Lords,
 where it was read a second time and committed on
 the 19th of October, it made a less rapid progress.
 It was ably opposed; and Lord Clarendon, in par-
 ticular, raised his voice with admirable eloquence
 against this unjust and partial measure. It was
 warmly discussed in committee; and two days
 were spent in discussing the single word “nuis-
 “ance.” The importation had been so designated;
 and the word was an important one, inserted in
 order to bar the dispensing power of the Crown;

* Carte, ii. 330, 331.

lest the King, in compassion for his Irish subjects, should in this case be inclined to exert it. The friends of Ireland in the upper House succeeded in expunging this word, and inserting, in its stead, "detriment and mischief;" words similar in meaning, but which offered no legal bar to the power of dispensation. It passed by a majority of 63 to 47; and the amended bill was sent back to the Commons. Conferences ensued between the two Houses*, in which the point most strongly urged by the Commons was the re-insertion of the word "nuisance." Neither would, for a time, concede; the Lords being supported by the King's aversion and Clarendon's opposition to the bill; the Commons (who had not yet voted the supplies) by the necessities of the Crown. But Charles who had once threatened to withhold his assent, but who wanted money to prosecute the war, and could obtain it only by conciliating the Commons, was at last induced to give way. Contrary to the opinion of Clarendon, the friends of the court in the House of Lords were instructed to agree to the contested word, and the iniquitous measure passed into a law. Clarendon's conduct in this affair displayed a clear and upright sense of what was at once politic and humane, and his abhorrence of the injustice to Ireland, which was thus perpetrated with stubborn selfishness by a Parliament exclusively English. The result, too, showed how little power he could at that time

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Nov. 23.

Jan. 14.

* Lords' Journals, Dec. 20. 29. 1666. Jan. 3. 12. 14. 1667.

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 1666. } boast, even with justice at his side, and supported
 by the remonstrances of a suffering people.*

* See *Life of Clarendon*, iii. 136—163. *Carte's Ormond*, ii. 317—323. 329—336. *Pepys*, iii. 121, 122, 123. 126. *Journals passim*. One of the most vehement advocates of this measure was the Duke of Buckingham, the bitter foe of Clarendon and Ormond, stimulated by the hope of embarrassing the latter in his administration of the affairs of Ireland. Buckingham was unusually assiduous in attendance during the progress of the bill, while his intemperate conduct was suitable to his reckless character. "None were against the bill," he told Lord Ossory, in the House of Lords, "but those who had either Irish estates or Irish understandings." Ossory sent a challenge, which Buckingham accepted; but avoided the combat by pretending to mistake the place of meeting, giving notice to the King, and complaining to the House of a breach of privilege, in consequence of which both parties were committed to the custody of the Usher of the Black Rod. (October 29. See *Lords' Journals*.)



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NAVAL PREPARATIONS. — CLARENDON'S REMONSTRANCE AGAINST THE APPOINTMENT OF ASHLEY TO BE TREASURER OF PRIZE-MONEY. — SEA-FIGHT OFF SOUTHWOLD BAY. — THE DUKE OF YORK TAKES NO ADVANTAGE OF THE VICTORY. — POLITICAL RELATIONS OF ENGLAND WITH FOREIGN POWERS. — DENMARK. — SWEDEN. — BISHOP OF MUNSTER. — FRANCE. — CHANGE IN THE POLICY OF LOUIS XIV. ON THE DEATH OF PHILIP IV. OF SPAIN. — HE DECLARES WAR AGAINST ENGLAND.

1665—1666.

THE recital of hostilities with the Dutch may now be pursued. Great exertions were made to prosecute the war with requisite vigour. A fleet of 130 sail was, if possible, to be provided, manned with 30,000 sailors,—a number almost ten times as great as had been employed in the navy since the King's return.* The Duke of York, on the 23d of March, assumed the command (Albemarle fulfilling the official duties of Lord High Admiral in his absence †); and, in the beginning of May, he put to sea with a fleet of ninety-eight ships of war, besides fire-ships and tenders. ‡ These preparations were not made without vast expense, the

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Naval pre-
parations,

* Pepys, ii. 290, 291.

† Pepys says the substitution of Albemarle for the Duke of York "is a thing that do cheer my heart. For the other would have vexed us with attendance, and never done the business." (Pepys, ii. 255.)

‡ Life of James I., 405.

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withdrawal of many ships and seamen from the merchant service, and much injury to trade. Coventry even proposed already that the King should dispense with the Act of Navigation. Early in April the officers of the Treasury complained of deficiency of means. A third of the 2,500,000*l.*, payable in three years, was already exhausted; recourse to loan was deemed requisite; and the Lord Treasurer complained that nobody would lend, and that the prizes yielded nothing.* In all that related to the prizes, from the capture of the vessels to the application of the proceeds, there existed the grossest abuse. The privateers, which received all possible encouragement, committed the most daring piracy, preying alike on friend and foe. The commissioners for the sale of prize goods acted upon rules which “would make all ships which traded for Holland, “from what kingdom soever, lawful prizes.” French, Spaniards, Swedes, and Danes, were treated alike, and made loud and fruitless complaints. “The Hanse Towns,” says Lord Clarendon, “had the worst luck; for some of them “could never be distinguished from the Dutch;” and a ship was always ruled to be a lawful prize “if above three Dutch mariners were aboard it.” † Before the commencement of the war, the proceeds of prizes had been regarded as a rich source of profit to the state. It was argued, “that the “war would support itself; and that after one

* Pepys, ii. 241. 255. 260, 261.

† Life of Clarendon, ii. 334, 335.

“ good fleet should be set out once to beat the
 “ Dutch, the prizes which would every day be
 “ taken would plentifully do all the rest.” “ But,”
 says Lord Clarendon, “ after the supply given by
 “ the Parliament, there was no more danger of
 “ want of money; and many discourses there
 “ were that the prize-money might be better dis-
 “ posed in rebuilding the King’s houses, and many
 “ other good uses which would occur; and the
 “ King forbore to speak any more of appointing
 “ receivers and treasurers for that purpose;” al-
 though the Lord Treasurer was prepared to re-
 commend a list of trustworthy and experienced
 men.*

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The motive of the King’s forbearance soon
 appeared; and it was a profligate wish to appro-
 priate all the proceeds to his own use. He sent a
 grant to be passed by the Lord Chancellor under
 the great seal, making Lord Ashley treasurer of
 prize-money, with a provision that he “ should
 “ account for all monies so received to the King
 “ himself, and to no other person whatsoever: and
 “ pay and issue out all these monies which he
 “ should receive in such a manner as his Majesty
 “ should appoint by warrant under his sign-manual,
 “ and by no other warrant; and that he should be
 “ free and exempt from accounting into the Ex-
 “ chequer.”† The object of this arrangement was
 not disguised; “ nor was it difficult,” says Claren-
 don, in language which fluctuates between apo-

Clarendon
 opposes the
 appoint-
 ment of
 Ashley.

* Life of Clarendon, ii. 337.

† Ibid. ii. 338.

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logy and irony, "to persuade the King (who
"thought himself more rich in having one thou-
"sand pounds in his closet that nobody knew of
"than in fifty thousand pounds in his Exchequer)
"how many conveniences he would find in having
"so much money at his own immediate disposal,
"without the formality of privy seals and other
"men's warrants, and the indecency and mischief
"which would attend a formal account of all his
"generous donations and expense, which should
"be known only to himself." *

Clarendon remonstrated, arguing that the proposed arrangement was unprecedented, — that it would cause the King to be defrauded, — and that it was an offensive encroachment upon the office of the Lord Treasurer. These were, perhaps, the only arguments which he could effectively employ. He could scarcely venture to charge the King with the deliberate intention of profligate wastefulness; and the non-existence, at that period, of any recognised control over the appropriation of supplies deprived him of an argument which succeeding ministers could use. His principal argument was one in which he expected the support of the Lord Treasurer. But Southampton, though honest, was of a facile temper, oppressed by illness, weary of business, and disinclined to oppose strenuously even such measures as he most condemned.† Ashley, moreover, was the husband of his niece, and was the person who, according

* Life of Clarendon, ii. 341.

† Burnet, i. 162.

to Burnet, "was in the greatest credit with him."* Clarendon was thus deprived of aid from a quarter whence it was most valuable, and most to be expected. Instead of concurring in remonstrance, Southampton, he says, "sat unconcerned." "And so, within a short time, the King sent a positive order to the Chancellor to seal the commission, which he could no longer refuse." Happier had it been for Clarendon had he then felt that he not only *could*, but *must*, refuse to assent to a measure which he had so much reason to condemn.†

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The Duke of York's fleet sailed in April; cruised for a time upon the Dutch coast; and, not finding an opposing armament, captured a few merchantmen, and then returned to the Gunfleet, to refit. On the 30th of May the fleet sailed again, and on the 1st of June reached Southwold Bay, on the coast of Suffolk, when the Dutch fleet, consisting of 113 ships of war, 11 fire ships, and 7 yachts, the whole under the command of Opdam, was visible to windward. That day and the following each fleet reconnoitred, and prepared for action; and early in the morning of the 3d of June the fight began. After many hours of hot encounter, upon Opdam's ship being blown up, the Dutch fled, and were pursued towards their own coast. The victors lost in killed and wounded about 800 men, among whom were Vice-Admirals Lawson and Sampson, and the Earls of Marlborough, Portland, and Falmouth. The Dutch,

Sea-fight
off South-
wold Bay.

* Burnet, i. 163.

† Life of Clarendon, ii. 340, 341.

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according to Downing's statement, lost not less than fourteen ships; and admitted that there had been 400 men killed in those ships which escaped.* It was a glorious triumph for the English navy; and much more complete might the success have been if the pursuit had been steadily maintained. Downing informed Clarendon that it was said by the Dutch, "that Tromp, and those ships that fled with him, lay three hours without the Texel, for want of water to get in, so that had the English pursued their victory close, they must have run their ships on ground or quitted them, and then they should not have been able to have made another fleet, God knows when."†

The cause of this delay is remarkable. During the night, while the Duke slept, Brouncker, his groom of the bed-chamber, pretending orders from the Duke, ordered the lieutenant to shorten sail, by which means (the Duke of York's being the leading ship) he retarded the progress of the whole fleet. That Brouncker should have thus acted of his own accord, through fear for himself or for the safety of his royal master, is, *primâ facie*, more probable than that the Duke of York, who professed a wish to prosecute the war with vigour, and had shown himself, on other occasions, not deficient in personal courage, should have issued such an order. But it is remarkable that (according to the statements in the Life of James,

* Downing to Clarendon, June 9. 1665. In the Life of James, the Dutch are stated to have lost 20 ships, and about 10,000 men, killed and prisoners. (Life of James I., 418.)

† Downing to Clarendon, June 9. 1665.

compiled from his own papers) until July, when the fleet was again ready for sail, under the command of Lord Sandwich, "the Duke had not heard one word of his ship having shortened sail!" Still more remarkable is it, that it was not till the meeting of the Parliament, in the autumn, "that the Duke first heard what Brouncker had done, in counterfeiting his orders at sea;"* but most remarkable that, for nearly two years after this grave offence had come to the knowledge of the Duke, and "raised in him no small indignation," Brouncker, who seems to have been the pandar to his pleasures†, remained, unpunished, in his service; and was at length dismissed on another account‡; and thus, for this most grave offence, received no punishment from the Duke at all.§ No inquiry appears to have been made respecting the conduct of the Duke of York: but it was opportunely discovered that the command of a fleet in time of war was a situation of peril; — that the Duke of York was presumptive heir to the throne; — and that a life so valuable ought not to be endangered. He was therefore

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* Life of James I. 421, 422.

† Pepys, iii. 266. 412.

‡ Ibid. iii. 335.

§ The Parliament took up the question *after* Brouncker had been dismissed from the Duke's service, and expelled him from the House of Commons. It was the circumstance of the Parliament having taken cognisance of the offence which, according to the Life of James, "hindered the Duke from having him try'd by a court martial" more than two years after it had come to his knowledge! It is also singularly stated that, "by length of time the prosecution cool'd so, that Brouncker was only turn'd out of the House, nor could the Duke do any thing more at that time than to turn him out of his service," it being neither at that time, nor on that account, that Brouncker was dismissed.

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Political
relations
with Foreign
Powers.

Denmark.

prohibited from serving again, and the command of the fleet was given to the Earl of Sandwich.

It must now be inquired by what foreign alliances the English government endeavoured to strengthen itself for that war in which it was so unnecessarily engaged.

Denmark had been early regarded as a probable co-operator. The Danes had a fort near Cabo Corço, on the coast of Guinea, and were fellow-sufferers with England from the aggressions of the Dutch: and Downing, in November 1663, sounded the Danish resident in Holland, and recommended to his own court to make common cause with Denmark.* The Danes complained that the Dutch intended to amuse them with fair words, denying real satisfaction, while, by degrees, they rendered the Danish traders tributary to Holland.† They resented the deceptions practised upon their resident respecting the movements of De Ruyter; and thus, in the commencement of 1665, Denmark was regarded as a power upon the friendship of which England might securely count.‡ Denmark had also appeared solicitous to obtain the good offices of England in accommodating its differences with Sweden; and held out the prospect that, when relieved from other difficulties by an amicable settlement with that neighbouring state, it would no longer submit to be aggrieved by Holland. Ambassadors were

* Downing to Clarendon, Nov. 6. 1663. Vol. III. p. 259.

† Downing to Clarendon, Feb. 12. 1664. Vol. III. p. 279. *et seq.*

‡ Life of Clarendon, ii. 316.

accordingly sent to treat with both these northern powers—to Sweden Henry Coventry, to Denmark Sir Gilbert Talbot. The Dutch also sent ambassadors to these courts, and French influence was exerted to counteract the success of the English negotiators, especially at the court of Denmark*, where Talbot found much disinclination to war. A treaty of commerce with Denmark was concluded on the 29th of April, 1665†; but Talbot was not enabled immediately to effect any such more intimate alliance, as the war with Holland led him to desire.

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With Sweden a commercial treaty had also Sweden. been concluded in the preceding month; but Coventry found similar disinclination to any treaty which would tend to engage them in a war with Holland. The Swedes also wished to know for what end, and to what extent, it was intended that hostilities should be carried; “because, though “Sweden judged it very convenient and just that “Holland should be thoroughly humbled, and “made make amends for injuries and insolences “committed, yet that it was not the interest of the “King of England or Sweden that Holland should “be totally undone; and therefore,” said Coventry, “it is here judged fit that some general conditions “should mutually be specified, beyond which they “should not be obliged to press; for to ruin them “so far as to force them to put themselves under

* D'Estrades, iii. 9. 37. 61. Coventry to Clarendon, April 19. 1665. Vol. III. p. 376.

† Talbot to Clarendon, March 25. 1665.

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Bishop of
Munster.

“the King of France or Spain might be very
“prejudicial to the Protestant interest.”*

The only potentate from whom the King of England received cordial concurrence was the Bishop of Munster. A better ally could scarcely have been found, if his powers of aggression had been commensurate with his warlike disposition and hatred of the Dutch, whom he accused of fomenting rebellion among his subjects, and of usurping a portion of his territory. They had been long at variance on some disputed points; and the Bishop, during the preceding year, had been preparing for an appeal to arms; having (says Downing, in May, 1664,) such indignation against the Dutch, that he “would be contented “even to sacrifice himself, so as he could be sure “to do them a mischief.”† This disinterested specimen of a Christian prelate dispatched to London a Benedictine monk belonging to an English abbey in Westphalia, and formerly known to Lord Clarendon, at Cologne. The monk, who, says Clarendon, “looked rather like a carter,” and “spoke ill English,” obtained an interview with him, and delivered a letter, wherein it was suggested that a conjunction with such allies as could attack the Dutch by land might be acceptable to the King of England; upon receiving assurance of which, the Bishop promised to send over some fit person to treat with the King on

* Coventry to Clarendon, April 19. 1665. Vol. III. p. 376.

† Downing to Clarendon, May 6. 1664. Vol. III. p. 315.

that subject. The answer was favourable; and, accordingly, an envoy arrived in England, bearing with his credentials a letter to Lord Clarendon from the Elector of Mentz, recommending to him the Bishop's envoy, and declaring his belief that the Bishop would be able to perform whatsoever he should undertake. This envoy commenced with an unpalatable proposition—that 100,000*l.* should be paid immediately, and 50,000*l.* “by the month, for three months to come;” and upon this being undertaken by the King of England, the Bishop would engage, within a month after the receipt of the 100,000*l.*, to invade the United Provinces with an army of 16,000 foot and 4000 horse; promised so to march as to co-operate with the English fleet; held out hopes of assistance from the German States; and added an assurance (which was found to be delusive) that he was secure in this enterprise from molestation by France.* A treaty was concluded, in June, 1665, by which, in consideration of 500,000 rix-dollars, to be paid to the Bishop in three instalments, he was bound to invade the Dutch territories.† Sir

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* Life of Clarendon, ii. 318—322. D'Estrades, iii. 208.

† The remittance of the money was a matter of difficulty. It had been proposed that it should be paid by bills of exchange, at Hamburgh, Cologne, or Francfort; but at that time, as we are informed by Lord Clarendon, “all the trade of London could not assign one thousand pounds in the month, to be paid upon Cologne and Francfort; nor would Hamburgh itself be charged with twenty thousand pounds in three months' time.” Temple declined the charge of the money, and it was transmitted by Alderman Backwell. (See Life of Clarendon, ii. 324. Courtenay's Life of Temple, i. 39, 40. Pepys, ii. 287.)

In Clarendon's letter to Coventry, of December, 1665, he also says, “Besides the difficulty of raising it here, the generall contagion having interrupted all our receipts, it is not to be imagined how difficult

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 1665. } W. Temple was sent on a mission to the Bishop, instructed to encourage him, by favourable representations of our naval strength, and to form, if possible, an extensive league against France among the princes of Germany * ; and Lord Carlingford, who about the same time was appointed envoy extraordinary to the Emperor Leopold, was instructed to co-operate with Temple to the same intent.

The aid derived from the military operations of the Bishop of Munster, fell short of expectation. He invaded the Dutch territories according to agreement † ; but his vindictive ardour was cooled partly by a want of punctuality in the appointed payments to be made by England, partly by the strenuous opposition of France, which sent 6000 men to the assistance of the Dutch. He nevertheless maintained the war, in conformity with his treaty, and with a spirit, which (as appears from a letter of Lord Clarendon to Coventry, in December, 1665,) had earned the commendation of the English government. ‡ But after the declaration of war by France against England, in January 1666, he began

“ it is to returne money into those parts, though we had it all in the house; there not being to be gotten bills of exchange in all London “ to transmit three thousand pounds a weeke into Germany, reckoning “ what may be done to Hamborough into the accompt. Soe that, besides a very reasonable some which wee have found bills of exchange “ for to Antwerp and Hamborough, the maine of the supply wee have “ hitherto sent, hath beene in forraigne species, and in time, both sent “ over by convoy to Ostend.” (Vol. III. p. 422.) With respect to the payment in *tin*, see also a letter from Temple to Arlington, quoted in Courtenay’s Life of Temple, vol. i. p. 49.

* Courtenay’s Life of Temple, i. 33—35.

† D’Estrades, iii. 361. 377. 387.

‡ Vol. III. p. 422.

to negotiate secretly with the Dutch ; and while amusing the English with proposals for negotiating a peace in conjunction with them, he, on the 18th of April, surreptitiously concluded with the Dutch a separate treaty.*

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I have already stated, that the French King, fearing to become involved in war through his treaty with Holland, was anxious to prevent hostilities between the Dutch and English, and sincerely offered his mediation. The King of England, on his part, wishing to cultivate an amicable intercourse, had, in the summer of 1663, sent Lord Hollis ambassador to Paris. But the treatment experienced by this ambassador, evinced both the arrogance of Louis, and the little wish he entertained to be on friendly terms with England. Numerous were the slights to which Hollis was exposed, and which in an age of punctilious observances, and when diplomatists were peculiarly sensitive, were more important as indications of disposition than they could be considered at the present day. No care was taken to prevent uncivil treatment by the *douaniers*, and to insure the accordance of the usual immunities on disembarkation. He was long kept away from Paris, by the want of a residence. He was denied a public audience ; while a public entry, which he wished to decline, was pressed upon him, not for the sake of doing him honour, but that an opportunity might be taken of withholding privileges which had been granted to other

* D'Estrades, iv. 190—198. Dumont, vi. part iii. p. 106.

CHAP. ambassadors *; and it was not till the 18th of March,
 XIV. that a public audience was granted, at which Hollis
 1665. delivered his credentials.

It appears to have been part of the policy of Louis to be cold and distant to the representatives of foreign States †; and his ministers imitating the tone of the sovereign, were also discourteous in their bearing, and sometimes replied to remonstrances with rudeness. When war had commenced between England and the Dutch, the French King, who had not yet consented to fulfil towards the latter the conditions of the treaty of 1662, still laboured in the work of mediation; but foreseeing that he might be obliged to co-operate with the Dutch, he artfully endeavoured to prevent England from gaining strength by new alliances. He was secretly admonished by the King of Denmark of the meditated league between that kingdom, England, and Sweden; and he was anxious to prevent it. ‡ In April 1665, his mediation was proffered and accepted §; but this circumstance does not seem to have caused either in England or in Holland any suspension of preparations for the ensuing conflict. The fight of the 3d of June placed England in a

* Above twenty-four letters (extant in the State-Paper Office) were written by Hollis to Bennet, between the end of October and the middle of March, on the subject of ceremonial; of such importance were these points considered.

† "Methinks," says Hollis, in a letter to Arlington, "ambassadors' compliments have but a pretty cold reception here; looked upon rather as an homage done than an expression of kindness;" and he adds "this king doth not desire forrein ministers should be too familiar at court."—Hollis to Arlington, 21 May, 1664, Vol. III. p. 321.

‡ D'Estrades, iii. 220, 221.

§ Ibid. iii. 143.

higher position, and increased the French King's wish to close a war, which had begun so disastrously for his friends the Dutch. In August, without the assent of the Dutch, he made to England the following propositions:—that England should retain New York*, and the Dutch the Isle of Poloron; that on the coast of Guinea, the Dutch should retain two forts, named D'Elmina and Nassau; that they should demolish that of Cabo Corço, and give up three forts, Cormantin, Bonavista and St. André to the English; and that commissioners should be appointed by each to frame conjointly regulations for the commercial intercourse of the two countries.† The French ambassadors charged with mediation, had conferences on this subject with Charles and with Clarendon, which Louis recounted in a letter to D'Estrades. According to this statement, Charles said, that the war being popular, and the Parliament ready to support its continuance by large supplies, he could not so soon consent to make a peace, unless it was attended with evident advantage; that he must require a sum of money towards defraying the expenses of the war; and that he should gladly avail himself of the good offices of Louis to lead the Dutch to this concession. "My ambassadors," pursued Louis, "having subsequently expressed to the Chancellor, that they foresaw great difficulties, or rather an impossibility on this point,

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* Called by D'Estrades "La Nouvelle Belgique."

† D'Estrades, iii. 285—303.

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 " solved to make peace through my mediation, and
 " exposing himself (as I should do by this reso-
 " lution) to the censure of many who murmured
 " against him, it was absolutely necessary for his
 " safety, and to prevent his falling into the un-
 " happy condition in which the King his father
 " found himself, when the troubles began in his
 " kingdom, that he should not be without money."*

Lord Clarendon protested against the cession of New York to the English being proposed as a counterpoise to the retention of Poleron by the Dutch. The former he said had been granted under the Great Seal by James I. to Lord Stirling, and the Dutch had subsequently occupied it only on sufferance, without thereby establishing any right; and as for Poleron, admitting that it was of small value, yet the cession of it was already stipulated by treaty. It was regarded as reparation in part for the cruelties at Amboyna; and the English public were excited on this point to that degree, that the King did not dare to abandon his claim. As for Cabo Corço, it must be restored, and not destroyed; and as for the forts of St. André and Bonavista, he treated them as matters of indifference. Finally, he demanded for England the forts of Cormantin and Cabo Corço; reparation, according to the decision of the Commissioners, for the Bona Esperanza, Bonaventura, and other ships; regulations for commercial intercourse; and the

* D'Estrades, iii. 267.

payment of a sum of money for defraying the expenses of the war. It was the wish of Louis that the Dutch should accede to these terms; and he furnished D'Estrades with many arguments by which he might soften the humiliation of a payment to England.* But the Dutch would not listen to concession: their recent defeat had been only an incentive to fresh exertions†; and although Louis obtained from Charles the recal of his demand for a sum of money, yet were the Dutch not more disposed to accommodation, but even attempted to recede from terms, to which De Witt had formerly agreed.‡ Louis was disgusted with the obstinacy of the Dutch, who, as his minister De Lionne said, “had peace in their hands,” yet wantonly encountered the hazard of war, and who, while taking their hostile resolutions in opposition to the advice of France, complained if their wishes were not furthered in the manner which they prescribed.§

Louis hitherto had sincerely wished to effect peace; but a change was wrought in his policy by the death of Philip IV. of Spain, which occurred on the 17th of September, 1665. The time was then come when he must be prepared to prosecute or relinquish his claim to Flanders. By the law of devolution, which prevailed in some of the Netherland provinces, the female issue of the first marriage inherited, in preference to the male issue of a

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* D'Estrades, iii. 285—305.

† Ibid. iii. 311, 312, 313. 323—326. 332—335. 385.

‡ Ibid. iii. 338, 339, 340.

§ Ibid. iii. 353.

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second marriage. The consort of Louis was the daughter of Philip by his first wife; Charles, the inheritor of the throne, was his son by the second; and on such grounds these provinces were claimed by Louis. Both Louis and his queen had separately renounced this claim; but it was contended by the high-minded Louis that his contract was void, because Spain had not paid the marriage portion; and that his queen's renunciation was not binding, because it was made while she was yet a minor! It was discovered, that the fulfilment of his engagements with the Dutch (engagements which he had long endeavoured to evade) might now be rendered instrumental to the furtherance of this design; that by aiding the Dutch in their war with England, he might obtain their co-operation in his attempt upon Flanders; and that he might assemble troops in the vicinity of Flanders, under the pretence of preventing the descent of the English on the coast of France.* A change of conduct towards England was immediately adopted. Measures were taken injurious to English trade †; and, before the end of October, our ambassador at Paris confidently stated that France would not be long our friend. ‡ In November, the French ambassadors were ordered to return from London; and the Dutch were assured, that "as soon as they and the Dutch ambassador shall have quitted England, he

* *Ceuvres de Louis XIV.*, ii. 5—11. 25, 26.

† Hollis to Arlington, October, Vol. III. p. 409.

‡ Hollis to Arlington, Vol. III. p. 414, 415.

“ will declare war against that country, in conformity with the treaty of 1662.”* Before the French ambassadors returned, they were instructed to try the effect of threatening England with a war with France; and this threat they coupled with complaints, which, it is to be feared, were too well founded, of the intolerable aggressions of the English privateers, and the denial of redress for the damage inflicted.

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It was evident that France could not longer be diverted from co-operation with Holland; and a secret council was called together “to consult what should be the final answer his Majesty should give to the French ambassadors at parting. There was no person present,” says Lord Clarendon, “who had not a deep impression of the extensive damage and danger that must fall upon the King’s affairs if, in this conjuncture, France should declare a war against England.” The extensive naval preparations of the enemy, the probable influence upon the conduct of the Bishop of Munster, and of the kings of Denmark and Sweden, and the encouragement of insurrection within the realm †,

* D’Estrades, iii. 469.

† Louis notes encouragement to malcontents among the proposed means of attack. “ Dans le même temps qu’on travailleroit à prendre toutes ces mesures pour le dehors de l’Angleterre, il faudroit aussi travailler à troubler le Roi d’Angleterre au dedans de ces états. Pour cet effet, s’informer de toutes parts, soit par la Hollande, soit par le moyen des marchands François, de l’état des affaires d’Ecosse et d’Irlande.” “ Examiner tous les Irlandois Catholiques qui sont à Paris, en Bretagne, et autres endroits du royaume, pour connoître s’il y en auroit quelqu’un dont on se pût servir. S’informer de l’état des Puritains Presbitériens, et des amis de Cromwel.” (D’Estrades, iii. 270, 271.)

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were ample grounds for such a feeling. To these circumstances, calculated to dissuade from a continuance of war, might be added the dreadful pestilence, which, after raging in Holland in the preceding year*, had, in the summer and autumn of 1665, desolated London; and, during one week in September, when the violence of the Plague had reached its height, carried off more than 10,000 victims.† But the parliament, before whom, on the 11th of October, the Lord Chancellor delivered a full statement of the events of the war, and the supplies still required for its effectual prosecution, proved that the war was still popular, by their willingness to contribute to its support. The commons, promptly and unanimously, passed a bill granting the king 1,250,000*l.* for his present supply, and 120,000*l.* for the Duke of York. Encouraged by such zeal in the representatives of the people, the government did not quail, even at the alarming prospect of France being added to the number of their assailants. The French ambassadors were dismissed, “without any other answer than what “should contain complaints of the French King’s

* Downing, in his letter to Lord Clarendon, mentions some of the weekly returns of death, by the Plague, at Amsterdam. The following show its severity and increase:—The deaths for *one week*, in May, 1664, were 362; in the beginning of July, 739; in the beginning of August, 933; in the beginning of September, 1041. Above 20,000 persons must probably have died at Amsterdam in the course of that year.

† An account of the Plague in 1665, which may fairly compete with the most masterly descriptions of similar events, will be found in Dr. Lingard’s *History of England*, vol. xii. p. 125—134. Hume dismisses the event with a single sentence; and some other historians treat it less fully than its importance deserves.

“ want of kindness, which his Majesty had cul-
 “ tivated by all the offices he could perform since
 “ his restoration, which did not receive an equal
 “ return, by the preferring the friendship of the
 “ Dutch before that of his Majesty. * In Decem-
 ber Hollis had his last audience, and in January
 the French king declared war.

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* Life of Clarendon, ii. 440.

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THE DUTCH EAST INDIA AND SMYRNA FLEETS TAKE REFUGE AT BERGEN.—THE KING OF DENMARK AGREES TO BETRAY THEM INTO THE HANDS OF THE ENGLISH.—FAILURE OF THE ATTEMPT TO SEIZE THEM.—CONDITIONAL TREATY BETWEEN ENGLAND AND DENMARK.—NEGOTIATIONS WITH SWEDEN.—DEFECTION OF DENMARK.—DIVISION OF THE FLEET.—NAVAL ACTION OF FOUR DAYS BETWEEN THE ENGLISH AND DUTCH.—THE DIVISION NOT IMPUTABLE TO CLARENDON.—FRENCH MEDIATION AND NEGOTIATIONS FOR PEACE.—SECRET TREATY BETWEEN LOUIS XIV. AND CHARLES II.—CORRESPONDENCE BETWEEN CLARENDON AND ST. ALBANS.—PECUNIARY DIFFICULTIES OF THE ENGLISH GOVERNMENT.—BY COVENTRY'S ADVICE THE NAVAL EQUIPMENTS ARE REDUCED.—THE DUTCH ENTER THE THAMES.—CONSTERNATION IN LONDON.—TREATY OF PEACE CONCLUDED AT BREDA.

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CHAP. XV. 1665. THE principal duties which devolved on Lord Sandwich (who, in July, 1665, became commander of the fleet), were to watch the Dutch armament, then lying in the Texel, and to capture the Dutch East India and Smyrna fleets, then expected on their voyage homewards round the north of Scotland. About the 20th of July, it was ascertained, that these rich fleets, valued at twenty-five millions of livres, had taken refuge in the neutral port of Bergen, in Norway, belonging to the King of Denmark; and the important fact was promptly communicated to Lord Sandwich by our minister at Copenhagen. In the mean time, a disgrace-

ful compact was concluded between the Danish king and the English minister. The King of Denmark, who, apparently had decoyed the Dutch into his port of Bergen, engaged to betray them into the hands of the English, on condition of receiving half the spoil. "We have this day," said Sir George Talbot, in a letter of July 22. "agreed to the business of Bergen. I have given my hand that the King of Denmark shall have half, and that England shall insure him from the revenge of Holland." "We have since," he said in a subsequent letter, "agreed the manner of carrying the design. The King sends order to his governor how to carry himself, which is to storm and seem to be highly offended; but not to shoot at the English, or, at least, not to hurt or touch them;" or, as it is explained in another place, to "shoot only powder" at the English ships, so that they "may doe the work with less number, and block at the same time with the rest." "And I," pursues Talbot, "have, by consent, written to the governor of Bergen to take notice of the agreement between us here, and have enclosed a letter, which he is to send to the commander-in-chief of our fleet, as soon as he arriveth before the fort, to acquaint him with what is agreed between us; but it is to be sent as a pretended admonition from the governor, that he act noe hostility."* The governor was also instructed to affect great anger; and the King of Denmark was

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to be allowed to further the deception, and remove subsequent suspicions from the minds of the Dutch, by bitter complaints against the English assailants.

The attempted execution of this disgraceful compact was attended with merited failure. The King's order to the governor of Bergen, and two messages sent by Talbot, did not reach their destination. On the 30th of July, Lord Sandwich came near Bergen with his fleet; and on the 31st, sent Sir Thomas Teddiman with seventeen frigates and three fireships to the mouth of the harbour. He found the Dutch ships moored near the shore under the protection of the castle, in which, as in a place of unquestionable security, they are said to have deposited a valuable portion of their goods; and on the following day sent a letter to the governor, announcing his intention to attack and seize them. Teddiman received in reply a remonstrance; upon which, according to Sir G. Talbot, he sent a second letter by the hands of a son of Lord Sandwich, who, in an interview, pressed the governor, first by bribes, and afterwards by threats, but could not induce him to recede from his demand, that the English admiral should wait two days.

The Dutch, in the mean time, had been taking measures for defence; had landed such cannon as would not be serviceable on board; had raised a battery of forty guns on a rising ground, from whence they could fire over their own ships upon the English fleet; and had thrown up breastworks for musqueteers. Whether these preparations

evinced to Teddiman the impolicy of delay, or whether he was swayed by any hope, that if he were to act in defiance of the governor, he might on that plea elude the compact, and defraud the Danes of their share of the spoil, must still remain a matter of doubt: but although he was entreated to wait, he commenced hostilities on the following day. His fire was effective: the Dutch suffered considerable loss; and success was about to crown the enterprize, when, from the Danish castle, where a flag of truce had been displayed, and from the musqueteers behind the breastworks, a destructive fire was poured upon the English fleet. It appears that, either from accident or design, the Danes had been rendered sufferers in the conflict. Many shots had struck the castle; and injured houses in the town; and the fire from the castle and from the musqueteers was a measure of retaliation and defence. The English suffered severely. One ship was sunk, and the rest abandoning the enterprize, quitted the harbour as quickly as they could.

Soon after the luckless termination of this conflict, the vice-king of Norway arrived at Bergen, the expected order was received from Copenhagen, and the English were assured that neutrality should be observed if they were disposed to resume the attack. But the difficulties of the harbour, the danger of the station, and the news that De Ruyter had come out with his fleet, induced Lord Sandwich to decline the attempt.*

* Life of Clarendon, ii, 415—423. Misc. Aulica, 359, 360. Pepys, ii. 306, 307. 324, 325.

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Thus ended an enterprize which we must grieve to think that an English diplomatist should have partly contrived, and an English fleet should have attempted to execute. The Danes and English inveighed against each other, — the former most loudly, and, perhaps, with most reason, saying that the English commander might easily have argued, that if the governor had received the king's order, he would not have disobeyed it, and that if he had not received the order, he was bound to resist their attack upon the Dutch. With consistent duplicity, the king of Denmark secretly represented to the Dutch the past transaction as a proof of friendship, which entitled him to their lasting gratitude for the preservation of their valuable fleet, and as an earnest of stricter alliance *; and if we may judge from an intercepted letter of the Dutch resident to his own government, which revealed to England the perfidy of the Danes, these fraudulent professions appear to have been believed. Meanwhile, negotiations were carried on with England for an offensive alliance against Holland. Means were taken for a renewal of the disgraceful enterprize at Bergen: orders were sent to detain, by every possible pretext, the Dutch ships, till the English fleet should come to seize them; and the safe retreat of some of them gave only occasion for the British resident to congratulate his court on the confidence which this safety will beget in the Dutch, and the richer harvest which may be

* See letter of Dutch Resident, Vol. III. p. 402, *note*.

thus secured through Danish perfidy at a future period.

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A conditional treaty between England and Denmark, to be binding only in the event of the assent of the Swedes, from whom, nevertheless, certain stipulations were to be concealed, was signed in October. By this treaty England engaged to pay to Denmark 100,000*l.* yearly, during the war with Holland, and to send thither twelve men of war for a year at the charge of England, and lend them afterwards for as long a time as the war should last. In return, the King of Denmark was bound to permit all English ships and goods to pass the Sound custom free, during the war and five years afterwards; to enter into an offensive alliance against the Dutch, break all treaty with them, refuse them the use of Danish ports, forbid all trade with them, recall all Danish subjects in the service of Holland, and make no peace without the consent of England. "The most considerable advantage of the treaty," said Talbot in a letter to Arlington, "is, that unless Denmark had come in, Sweden declared they would engage no further than the defensive; so that the gaining this crown, although at a dear rate, hath made sure both crowns to you." And the minister adds, with a Machiavelism worthy of the court at which he was resident: "I humbly desire to know with all speed how this is received; *for if you dislike the business, we may evade it by obstructing it in Sweden.*" *

* Sir G. Talbot to Arlington, Oct. 21. 1665. Vol. III. p. 416.

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Little willingness was displayed by Sweden to become a party to this treaty, except on terms to which England could not easily accede. The grant of money and ships to Denmark created expectations of the like to Sweden,—expectations which were unreasonable, since the latter country would release no payment of customs, and had a less extent of coast to guard.* Sweden also pressed for an assurance, that the designs of England against Holland did not extend to the ruin of that country; a project which it would deprecate as prejudicial to the Protestant interest: and with inconsistency more apparent than real, they at the same time expressed anxiety to be assured by England of the friendship and co-operation of Spain, before they engaged in any compact which might tend to deprive them of the friendship of France. To these demands and difficulties on the part of Sweden, communicated to the English government, Lord Clarendon replied. With respect to the required advance of 100,000*l.*, he said to Coventry, “You shall undertake it, though it be much more than in truth we give Denmark; for we have very valuable security for the repayment of that we lend there, and for the ships, besides the being presently possessed upon the matter for the whole trade of the Baltic.” At the same time he admonished him of the difficulty of transmitting money, and desired him “to procure, if possible, that the payment in London may be all that

* Coventry to Clarendon, Nov. 8. 1665. Talbot to Arlington, Dec. 23. 1665. Vol. III. p. 418—421.

“ shall be expected.” He replied, “ Concerning the
 “ query whether England intends a total ruin of
 “ Holland, for which the very foolish discourses of
 “ many of getting the dominion of the whole seas
 “ have administered too much occasion, you may
 “ assure Sweden, that the King hath no design upon
 “ the government there, or to force them to put
 “ themselves under the protection of any other
 “ monarch, but to bring them within the limits of
 “ good neighbourhood, and to oblige them to live
 “ towards other kings and princes as they ought to
 “ do, and to be repaid for some signal injuries he
 “ hath sustained.” He then said, “ As to the great
 “ business of making a firm friendship between our
 “ master, Sweden, and Spain, which, if carried on
 “ with success, would be the greatest act of state,
 “ and most for the benefit of Christendom that
 “ this age hath produced, I do in the first place
 “ tell you that it is or can be in no other hand but
 “ yours. In the next place, you may lay this as a
 “ ground to Sweden, that our master can never pro-
 “ pose that they should quit France or the benefit
 “ of that friendship, before they be fully satisfied
 “ of that they shall have at least equal benefit from
 “ that of Spain ; and if you could draw from them
 “ in confidence any particulars that would satisfy
 “ them, I am confident we should manage it so as
 “ will give them content. And,” he added, “ I
 “ am exceedingly deceived if Spain will not be
 “ very glad of it, and consequently advance it by
 “ their utmost concessions.”*

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* Vol. III. p. 422, 423.

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While these negotiations were proceeding, Danish perfidy put an end to the projected triple alliance. French influence had prevailed upon the timid and treacherous King of Denmark; and being assured that France was about to declare war against England, he, while continuing professions of amity with the latter country, concluded a secret treaty with the Dutch, which was ratified on the 12th of February.* By this treaty Denmark engaged to assist the Dutch against England with forty ships of war, to be kept at sea if required, from the 1st of April to the 1st of December; in return for which aid Holland should absolve Denmark from all debt, and pay 600,000 rix-dollars yearly as long as the war should continue.†

The defection of Denmark made Sweden more urgent for money as the price of an offensive alliance with England, which that defection rendered more dangerous; while the English minister pleaded less ability to comply, stating that to give Sweden the same which had been offered to Denmark would be in effect to give “twice as much;” and he would engage only for the payment of half that sum on “an offensive treaty being ratified.”‡ Negotiations to this effect appear to have failed; and all that was concluded was a treaty of commerce, by an article of which each party was bound not to furnish munitions of war to the enemies of the other.§

* D'Estrades, iv. 14. 31. 37. 46. 48—53. 59. *et seq.*

† Talbot to Clarendon, March 3. 1666. Vol. III. p. 428. *et seq.*

‡ Coventry to Clarendon, Feb. 14. 1666. Vol. III. p. 426.

§ Dumont, vi. Part iii. p. 83, 84.

One cause of the failure of the more effectual projected alliance appears to have been England's inability to secure for Sweden the co-operation and friendship of Spain. Fanshaw *, who had been long at the Court of Madrid, endeavouring to mediate between Spain and Portugal, and to cement a firmer union with England, had, in December 1665, concluded a treaty containing commercial regulations for England † and Spain, and a truce for thirty years between the latter and Portugal, but without granting to the sovereign of Portugal the contested title of King. Portugal objected to this treaty; the King of England refused to ratify it; and another ambassador, Lord Sandwich, was sent to Madrid, in the place of Fanshaw, charged to resume negotiations, to obtain more favourable terms ‡, and to insist on the title of King

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* Fanshaw appears to have been harshly treated. The reason assigned for his recall, both by Lord Clarendon in his *Life*, and in the letter of revocation sent to Fanshaw, was disapproval of the treaty of December 17. But the real reason was the wish to provide a retreat for Lord Sandwich; and it appears from Pepys's *Diary* of Dec. 6. 1665, before Fanshaw's treaty was signed, that it was then already settled that Sandwich should go as ambassador to Spain. The anachronisms in Lord Clarendon's account of this transaction deprive his statement of all credit. He speaks of the treaty as if it had been signed *before* the death of the King of Spain, which had occurred just three months previously, on Sept. 17; and says that the consequent recall of Fanshaw was resolved, but that the resolution was not immediately acted upon, by reason of "the Plague driving the King from London, and dispersing the council;" that is to say, the recall of Fanshaw, in consequence of his having signed a treaty in December, was resolved upon before July!

† Fanshaw, in a letter to Sir H. Bennet, dated Feb. 7. 1663, extant in the State Paper Office, makes a complaint which reflects severely upon the conduct of our foreign affairs under that secretary. He says, that for *five months* he had received no letter from him or other ministers in England, although he had, during that time, sent several "long dispatches, containing several queries of great importance."

‡ *Life of Clarendon*, ii. 476—482. *Temple*, i. 237. Fanshaw's *Memoirs*, 266—268. 359.

CHAP. being awarded to Portugal* ; a condition which
 XV. impeded the course of our negotiations in the long
 1666. Peninsula.

Sandwich owed his appointment to the friendship of Lord Clarendon†, who thus saved him from disgrace. After the failure at Bergen, having captured eight Dutch ships of war, and about twenty other vessels, among which were two East India-men richly laden, he appropriated a portion of the cargo to his own use, and allowed some of his officers to do the same. For this offence he was reprimanded, and deprived of his command. But the appointment to an honourable employment of a different kind screened in some degree from public disgrace one whose services, at the Restoration, made the King unwilling to depress him much‡.

Lord Sandwich being sent to Spain, and it being determined that the person and reputation of the presumptive heir to the crown, should be carefully preserved by keeping him at home, it became a matter of anxious consideration in whom should be vested the command of the fleet. Rank and long service rendered Prince Rupert a fit object of choice ; but (as Clarendon said to Albemarle), “ though the King had great confidence in the affection and unquestionable courage of Prince Rupert, he was not sure that the quickness of his

* Sandwich to Clarendon, Sept. 1. 1666. Vol. III. p. 436. *et seq.*

† Life of Clarendon, ii. 480, 481, 482, 483. Pepys, ii. 340. 345. 347. Fanshaw's Memoirs, 268.

‡ Lords' Journals, Oct. 11. 1665. Life of Clarendon, ii. 467—476. Pepys, ii. 352. ; iii. 398. Evelyn, ii. 248. Miscellanea Aulica, 361.

“ spirit, and the strength of his passion, might not
 “ sometimes stand in need of a friend, who should
 “ be in equal authority with him, and had there-
 “ fore thought of finding some fit person to be
 “ joined with him, and so make one admiral of two
 “ persons.” * On Clarendon devolved the office of
 inducing Albemarle to assent to this arrangement,
 and accept the proffered moiety of command: and
 in the close of the year 1665, it was decided that
 Rupert and Albemarle should command the fleet
 conjointly.† The combined commanders sailed with
 a fleet of more than seventy ships, cruised off the
 Dutch coast, took a few merchantmen, and then re-
 turned to the Downs, understanding that the enemy’s
 fleet would not come forth for at least a month.
 They were deceived; for De Ruyter and De Witt
 had already left the Texel. False intelligence also
 came, that the French Admiral Beaufort had sailed
 from Brest; upon which Rupert obtained leave to
 go with a detached squadron of twenty ships in
 quest of Beaufort, and prevent his junction with the
 Dutch. Scarcely had Rupert arrived at St. Helen’s,
 than it was ascertained that the Dutch were near,
 and the French still in the Mediterranean. Orders
 were therefore issued on the 30th of May, to recal
 him from St. Helen’s,—orders which Coventry, with
 culpable negligence, sent, not by express, but by the
 ordinary post, which did not reach Rupert’s hands
 till the 1st of June, and, when received, were not

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* Life of Clarendon, ii. 485.

† Ibid., ii. 482—487. Pepys, ii. 348—352.

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obeyed with due alacrity.* Meanwhile on that same day an action was commenced between the Duke of Albemarle's portion of the fleet, consisting of fifty-four ships, and the Dutch fleet of more than eighty, which appeared off the North Foreland. Albemarle rashly resolved to fight, and bore down upon the enemy. A severe contest ensued, in which the English suffered much. Night separated the combatants, and the action was resumed on the following day, but under circumstances less propitious to the English; for the Dutch force was augmented by a reinforcement of sixteen sail. With great difficulty did Albemarle protract the unequal fight till night, when again the firing ceased. Albemarle got some of his most crippled vessels into port, and opposed the pursuing Dutch on the morning of the third day, with a gallant rear-guard of sixteen ships, one of which (the largest in the fleet) unhappily ran on the Galloper sands; and all would probably have been captured, if in the evening Rupert with his twenty sail had not at length arrived. The delay of Rupert is inexplicable on any favourable hypothesis; and, if all that Pepys †

* Life of Clarendon, iii. 69—73. Pepys, ii. 396. 399. 423, 424.

† Pepys says the orders, being sent by the ordinary post, came to the Prince's hands only on Friday, the 1st of June, "and then, instead of sailing presently, he stays till four in the evening. And that which is worst of all, the Hampshire, laden with merchants' money, come from the Straights, set out with, or just before, the fleet, and was in the Downs by five of the clock yesterday morning; and the Prince, with his fleet, came to Dover, but at ten of the clock at night. This is hard to answer, if it be true. This puts great astonishment into the King, and Duke, and court, every body being out of countenance. Home by the 'Change, which is full of people still, and all talk highly of the failure of the Prince, in not making more haste after his instructions did come." (Pepys, ii. 399.) Lord Clarendon, writing long after-

states is true, makes him entitled to such naval distinctions as are meet companions to that mural crown of dishonour, which his name had gained by the surrender of Bristol. Thus re-inforced, Albemarle renewed the fight on the fourth day, which was continued for many hours with great spirit, till a mist separated the combatants, and each returned to their own harbours. The loss on either side was great. The English lost ten ships, and about 600 men killed, 1100 wounded, and 2000 prisoners. The Dutch admitted, that they had lost two admirals, seven captains, and 1800 men. Albemarle boasted that the enemy's loss was 8000, and that he had sunk fourteen of their ships. It was plain that neither side could claim a victory. The fight was honourable to English courage. Albemarle could claim the merit of having signally exhibited this quality: but in the more important requisites for the command of a fleet, he had shown himself deficient.* The great loss of the English was attributable to his rash haste in beginning the action, and the utter absence of skill and method with which it was conducted. But a prior

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wards, probably represents what Rupert said in his own defence. "The order," he says, "never came to Prince Rupert's hands till he had turned his sails upon the thunder of the cannon." (Rupert being at St. Helen's, and the action off the North Foreland, and Pepys says the guns were not heard even at Dover!) "And he no sooner endeavoured to return, than the wind chopped about to retard him, that he could make little way that day, or the night following." (Life of Clarendon, iii. 72.) If Rupert's arrival at Dover had been unavoidably retarded, it would still remain to be explained why he could not join Albemarle in the Downs till the evening (Clarendon says "night") of the following day.

* Life of Clarendon, iii. 73—78. Pepys, ii. 397, 398, 399, 400—410, 421—426, 434, 435. Evelyn, ii. 255, 256, 257, 258.

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and more important cause was the division of the fleet; an unhappy measure, which at a later period, when the enemies of Clarendon were eager to assail him with every conceivable accusation, he was charged with having advised.

According to Clarendon, the government acted with due caution in sending Carteret and Coventry to the fleet, to communicate with Rupert and Albemarle, before they sanctioned such a measure*; and as for the source of this unhappy suggestion, and the influence by which it was effected, Lord Clarendon is clearly exculpated by the following confidential communication from Coventry to Pepys:—"He did assure me," said Pepys, "that the proposition did first come from the fleet; and the resolution not being prosecuted with orders so soon as the general thought fit, the general did send Sir Edward Spragge upon purpose for them; and that there was nothing in the whole business, which was not done with the full consent and advice of the Duke of Albemarle. But he did adde that Sir Edward Spragge,—who had even in Sir Christopher Ming's time put in to be the great favourite of the Prince, but much more now had a mind to be the great man with him, and to that end had a mind to have the Prince at a distance from the Duke of Albemarle, that they might be doing something alone,—did, as he believed, put on this business of dividing the fleet, and that thence it came."†

* Life of Clarendon, ii. 70, 71.

† Pepys, ii. 424, 425.

Great exertions were made by the contending powers to repair their respective losses, and be again ready to put to sea; and in less than three weeks after this desperate and protracted battle, a fleet of ninety-eight men of war and twenty fire-ships, "the best fleet," says Pepys, "for force of guns, greatness, and number of ships and men, that ever England did see*," was afloat and prepared to meet the enemy. The hostile fleets met on the 25th of June, and a fierce action ensued, in which the English were victorious; and De Ruyter, with the loss of a few ships, fled and took refuge within the Texel. For many weeks the English fleet rode triumphant on the Dutch coast, obstructing commerce, and taking prizes of much value.

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In August a detachment from the fleet, of boats and fire-ships under Holmes, aided by the treachery of a disgraced Dutch captain, entering the channel between Vlieland and Schelling (two of that chain of low islands which skirt the mouth of the Zuyder Zee), burnt two men of war and 150 merchant ships laden with cargoes of great value. On the following day they likewise burnt the town of Schelling; "and as the victory," says Clarendon, "if it can be called a victory when there is no resistance, occasioned great triumph in England, so it raised great thoughts of heart in De Witt, and a resolution of revenge before any peace should be consented to."†

There had never been a time since the commence-

* Pepys, ii. 444.

† Life of Clarendon, iii. 80. D'Estrades, iv. 361. Pepys, iii. 6, 7.

of the war, when the firmness, energy, and confidence of De Witt were more needed to counteract the many inducements to submission which circumstances then presented. The severe losses in men and ships; the ruinous expense; the total interruption of external commerce; the stagnation of internal trade; the recent misconduct of many naval officers; the quarrel of De Ruyter and Van Tromp, the men whose co-operation was most essential; the mean unwillingness of allies to aid them, as displayed in the conduct of Denmark and of France;—these formed a combination of adverse circumstances which powerfully called for peace. An Orange party, opposed alike to war and to De Witt, was gaining strength; and the intrigues of a person connected with that party, named Buat, who was executed for treasonable correspondence with England, displayed still more to De Witt the formidable character of that opposition and the hollowness of the ground on which he stood.*

* *Life of Clarendon*, iii. 46—58. *D'Estrades*, iv. 351—359. 376—406. (*Œuvres de Louis XIV.*, ii. 247. It appears from Lord Clarendon's circumstantial account of Buat (or Bewett, as he calls him), that he was a double traitor, who, acknowledging to De Witt that he had correspondence with Lord Arlington, and encouraged by De Witt to continue it, showed him letters prepared for that purpose in a cypher, of which he imparted to De Witt the key, while the genuine and secret correspondence passed under a different cypher. Buat inadvertently showed to De Witt the wrong letter. De Witt perceived that it had a cypher with which he was unacquainted; and, suspecting treachery, caused Buat and his papers to be seized and examined; and the whole plot was thus discovered. Our confidence in Lord Clarendon's detailed relation of this affair is shaken by his inaccuracy at the close. He says, "A court of justice was speedily enacted; and within three days, according to the expedition used there in such cases, a scaffold was erected, and the poor gentleman lost his head." It is to be inferred from this passage that trial and punishment followed discovery with unwonted speed. But *D'Estrades*, writing from the spot three weeks after Buat

But about this time the tide of events began to turn in favour of the Dutch. Louis, who had hitherto limited his assistance to fomenting disaffection in the British dominions, at length, about the middle of August, afforded to the Dutch the assistance of his fleet, which, under the command of Beaufort, arrived in the Channel from the Mediterranean.* The Dutch fleet came forth to meet it; but a violent storm prevented the junction of the allied fleets, or the collision of either with the English. The same tempest aggravated a calamity of unusual magnitude, the Fire of London, which, breaking out on the night of the 2d of September, consumed above 13,000 houses, reducing two-thirds of the metropolis to ashes. A time when the spirits of the English were so likely to be depressed, was favourable for a renewal of negotiations for

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was put on his trial, says, "Le procès de Buat va *fort lentement*:" and a fortnight later, alleges that the States-General thought it necessary to remonstrate with the functionaries of the court of justice for this unwarrantable delay. (D'Estrades, iv. 376. 406.)

* Louis thus reveals his intrigues with the malcontents:—"Je me nageois les restes de la faction de Cromwel pour exciter par leur crédit quelque nouveau trouble dans Londres; et d'autre côté j'entretenois des intelligences avec les catholiques Irlandois, lesquels, étant toujours fort mécontents de leur condition, sembloient aussi toujours prêts à faire un effort pour la rendre plus supportable. Sur ces différentes pensées j'écoutai les propositions qui me furent faites par Sidney, gentilhomme Anglois, lequel me promettoit de faire éclater dans peu quelque soulèvement, en lui faisant fournir cent milles écus; mais je trouvais la somme un peu trop forte pour l'exposer ainsi sur la foi d'un fugitif, à moins de voir quelque disposition aux choses qu'il me faisoit attendre: c'est pourquoi je lui offris de donner seulement vingt mille écus, comptant avec promesse d'envoyer après aux soulevés tout le secours qui leur seroit nécessaire, aussitot qu'ils paroïtroient en état de s'en pouvoir servir avec succès." (Œuvres de Louis XIV. ii. 204.) Dr. Lingard, who is seldom inaccurate, has turned the *écus* into pounds sterling. (Lingard's History, xii. 148.)

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peace; and immediately after this calamity, a letter was received from the States-General, replying to a previous letter from the King of England; in which, requiring that the body of Sir William Berkeley should be given up to his relatives, Charles took occasion to intimate his willingness to conclude a peace on honourable terms. The States offered to treat in conjunction with their allies of France and Denmark, and under the mediation of Sweden, at some neutral place. Charles rejected this proposition, on the ground of the unworthy conduct of the King of Denmark, and required that the States should send some fit negotiator to treat at London*; to which the States rejoined, refusing to send an ambassador thither, and to treat without the co-operation of their allies.†

A great step towards peace, and apparently a great concession, was next made by the King of England, who, at the end of January 1667, proposed by letter addressed to the States and conveyed by the Swedish minister, that he would send ambassadors to the Hague, where they might, in conjunction with their allies, endeavour to conclude a treaty of peace.‡ This apparent concession was craftily devised with the secret view of obtaining the co-operation of a powerful party in Holland favourable to peace and hostile to De Witt; and thereby, while giving an apparent advantage to Holland, perhaps obtaining

* D'Estrades, iv. 327, 328. 392—399, 430—442.

† Ibid., iv. 508—512.

‡ Ibid., v. 23.

better terms than England could secure at any neutral place of meeting.* But De Witt and the French king, to whom the proposition was communicated, penetrated the motive. The former also feared that means might be found, at such a meeting, of intriguing with the Orange party, — the latter, of detaching Holland from France; and, with the advice of Louis, De Witt, in reply, declined the offer, assigning as a reason, that the Hague, being an open town, could not afford to the negotiators the requisite security, and recommending Maestricht, Bois-le-Duc, or Breda, as preferable places. †

Louis was at that time engaged in a secret treaty with the King of England,—a treaty not mentioned by Clarendon in the continuation of his auto-biography, but of which the only knowledge we have hitherto had is imparted by the writings of Louis himself. Wishing to be disengaged from the war with England, in order that he might devote himself uninterruptedly to the conquest of Flanders, a project dreaded by his Dutch allies, he opened a secret negotiation with Charles. ‡ Correspondence

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Secret
treaty with
France.

* Life of Clarendon, iii. 211—214. Lord Clarendon ascribes the suggestion of this proposition to Arlington and Coventry. De Lionne, who held English diplomatic skill in low estimation, says, “ Je ne sçai si les Anglois sont assez habiles gens pour avoir été eux-mêmes les auteurs d’un artifice si délicat, et le Roi penche fort à croire qu’il leur a été suggéré par l’Isola.” (D’Estrades, v. 59.)

† Œuvres de Louis XIV. ii. 287. D’Estrades, v. 57. Life of Clarendon, iii. 216, 217.

‡ Louis evinced the grossest duplicity towards the Dutch. In a letter to D’Estrades, of December 24. 1666, after adverting to rumours of his intention to form a separate treaty with the English, he added, “ Il est bien nécessaire que les Etats se mettent, une fois pour toutes, au-dessus de ces bruits, et pour cela je ne sais pas que leur dire, après

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was carried on, through the intervention of Henrietta Maria, the mother of Charles, and aunt of Louis, to whom each addressed his letters. The result was a secret compact that France should restore some West Indian islands which had been taken from the English, and that England, during one year, should give no assistance to Spain in opposition to Louis's designs on Flanders, — designs for which the state of Europe seemed at that moment peculiarly favourable.* Soon afterwards, probably feeling that this secret compact required the aid and sanction of formal negotiation, Charles commissioned Lord St. Albans, the unacknowledged husband of Henrietta Maria, to be his negotiator at the Court of France. His instructions, which, though belonging to Lord Arlington's department, were, at the King's request, framed by Clarendon, and of which a draft is extant in his handwriting, strongly evince distrust of France. "If," say the instructions, "upon your arrival at Paris, you receive clear and manifest information of the *reality* of the French king's intentions for peace (*which we have too much cause to apprehend*), you shall both to him, and his ministers, express the

"leur avoir une fois donné, et si souvent confirmé, ma parole royale.
"Mais si en y engageant votre honneur et votre propre vie, et offrant
"pour cela de vous dépouiller de tout caractère d'ambassadeur et de
"mon ministre, en cas qu'ils voient jamais que j'entre en paix et en amitié
"avec le roi d'Angleterre, que conjointement avec l'Etat des Provinces
"Unies, et le roi de Danemarck, ces expressions et cet offre
"pouvoient ajouter auprès des peuples quelque chose de ma dite parole,
"vous a pourrez faire avec toute assurance de ne rien hasarder."
(Œuvres de Louis XIV., v. 402.)

* Œuvres de Louis XIV., ii. 285—289.

“ same to be in us; and if we may be assured from
 “ him, that the Dutch shall agree to just and ho-
 “ nourable conditions, we shall be content speedily
 “ to send ambassadors to such a place where all the
 “ several interests may be debated and adjusted.
 “ We are contented, that all things shall stand in the
 “ same condition they are at present between us,
 “ by reason of the war; that is, that we enjoy what
 “ we are in possession of, and they what they pos-
 “ sess; the last treaty being here to be observed
 “ in all particulars, and security given to us for
 “ the regulation of trade and commerce out of
 “ Europe.”*

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The willingness of the French government to give up their West Indian captures, was to be taken as a criterion of their sincere desire of peace. If their intentions were real it was to be impressed upon them, that it is “ a matter of absolute necessity that the Dutch do pay us 200,000*l.* sterling, “ or, at least, that they leave us to treat upon that “ point.” “ We are not to be pressed farther with “ references to France, than to a neutrality between “ them and Spain.” The interests of the Prince of Orange are not to be overlooked. Sweden was to be comprehended; enquiry to be made respecting the French preparations for war, and the King of England to be speedily informed what he may rely upon.

St. Albans informs Clarendon, that the sincerity of the French king’s desire for peace is not to be

* Vol. III. p. 443.

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doubted; but he warns him that Louis, being jealous lest England should make terms with the Dutch, to the prejudice of France, and anxious to allay the well-grounded fears of Holland, lest France should desert them in a similar manner, was anxious to proceed in his negotiation for peace with due formalities and circumspection; "and this care," said St. Albans, "which is indispensable, I fear will still subject them to our jealousies, that they neither desire peace so much as they profess, nor proceed towards the obtaining it so sincerely as they pretend." *

That St. Albans's mission was merely preparatory to the negotiations for peace, a mission of enquiry into the intentions of France, and to prevent England from being deceived, and that he either really or wilfully misunderstood the secret nature and limited extent of the commission with which he was charged, is evident from letters between him and Clarendon. He asks Lord Clarendon, whether he may "sign with the Denmark and Holland ministers, in case there had been occasion here to have come to any signature." "You may remember," he continues, "that the proposition of Ruvigny was positively to sign with them; and you may please further to take notice, that I, not well knowing whether it were the intention of the instruction, I made a query touching it to my Lord Arlington, of which he took a note in his own hand, and with other queries shewed it

* From an original letter of St. Albans to Clarendon, March 23. 1667, in the Bodleian Library.

“ you, and took your direction in the answer, which
 “ he apostiled in his own hand in the same paper.
 “ The query was, — with whom I should sign and
 “ exchange papers? the answer, — with whomso-
 “ ever the king of France should direct.” *

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“ I do very well remember Monsieur Ruvigny’s
 “ letter,” replied Clarendon, “ in which, to mani-
 “ fest the clear intentions of France to advance the
 “ peace upon these preliminaries, he said, if you
 “ brought powers with you, both Van Benningen
 “ and the Dane should be ready to sign with you ;
 “ but it was so evident to us then, as it is to you
 “ now, that how sincere soever the desires might
 “ be on all sides, yet that the very reducing the
 “ whole matter into such expressions as might
 “ establish the peace, would take up very much
 “ time, and that you and Monsieur Van Benningen
 “ would not easily adjust it, but that the same would
 “ be best done by treaty in the neutral place ; so
 “ that your business (which was and is the
 “ greatest), *was only to secure our master that the*
 “ *king of France was real in his mediation, and*
 “ *that he would in order to it deliver up what he had*
 “ *taken from us in the West Indies ; all which we*
 “ *thought would be transacted in great secrecy, and*
 “ *that nothing would be public till the general*
 “ *meeting ;* and I say still, it is evident enough that
 “ if Van Benningen were to bear any part at Paris
 “ with you, he would exceedingly perplex and re-
 “ tard the dispatch ; and methinks the answer you

* Vol. III. p. 451.

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“ say was given to your quere, with whom you
 “ should sign and exchange papers, that you should
 “ do it with whomsoever the King of France should
 “ direct, made it plain that it had no aspect upon
 “ Van Benningen and the Danes, with whom you
 “ had no authority to treat, but with such as the
 “ King should employ in this secret transaction
 “ with you.” * Clarendon also took pains to im-
 press upon St. Albans the pacific intention of
 England, and the earnest wish, that, on a neutral
 place of meeting being fixed, the peace should be
 speedily concluded; and assured him repeatedly that
 it could not be broken off, on the non-delivery of
 Poleron; “ to which purpose the King hath ap-
 “ pointed the East Indian Company, to choose two
 “ or three of their company to attend the ambas-
 “ sadors, that they may be ready to advise, and
 “ to confer with those of the other company, where-
 “ by some expedients may be agreed on.” As for
 the two ships, “ I doubt not,” said Clarendon,
 “ the differing parties (for it concerns only parti-
 “ culars) will, at the treaty, agree upon such ex-
 “ planations as will put an end to that business;
 “ and in order thereunto, there will be some well-
 “ informed person in that affair attend upon the
 “ ambassadors.” †

Before the date of this letter, Breda had been
 chosen as the place for negotiations, and the King
 of England, by a letter to the States General, of the
 18th of March, had signified this selection, and the
 appointment of Lord Hollis and Henry Coventry,

* Vol. III. p. 453.

† Vol. III. p. 454.

as his ambassadors on that occasion *; to which the States General responded in a letter, expressing the utmost satisfaction, and breathing a spirit of forbearance and peace.† It commended Charles's laudable desire to prevent the continued effusion of blood; and was such a letter as might lull suspicion that the Dutch still meditated aggressive warfare. Two days after this letter was despatched from the Hague, the Dutch ambassador at Paris was vehemently urging upon the French government a junction of the allied fleets, and the arrangement of naval enterprises for the ensuing summer ‡, and holding language which induced St. Albans to inform Lord Clarendon, that he believed negotiations for peace would be hindered by the Dutch, "by all the impediments they can put in the way." With this truth Lord Clarendon appears to have been fully impressed, writing to St. Albans, "if the King our master did not really depend upon France, that it will bring all to pass which they have promised, we had too much matter for jealousy administered to us."§ "No doubt," he wrote on the 20th of April, "the indisposition of Holland toward a peace ought to dispose France the more vigorously to pursue it; and I am clearly of opinion, that the treaty may be quickly concluded at Breda, to all points that are to be determined there; nor can any thing

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* D'Estrades, v. 97.

† Ibid. v. 128.

‡ St. Albans to Clarendon, April 20., Vol. III. p. 459.

§ Clarendon to St. Albans, April 11., Vol. III. p. 461.

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“ advance it so well, as France’s insisting not to have the fleets goe, and to conclude a cessation but for a month.” He appears to have felt confident that France would effect a cessation of hostilities; and, in a letter of the 29th of April, expresses a hope, that, as soon as the ambassadors meet at Breda, “ the cessation will be published on all parts.” His confidence was not unreasonable, for it was founded on a consideration of what would be most conducive to the interests of France. But the King of France, instead of discouraging a continuance of hostilities, had in the meantime promised co-operation; and, contenting himself with dissuading the Dutch from putting to sea till the 25th of May, agreed to join them with the French fleet five days afterwards. *

The ambassadors met at Breda in May; and the French ambassador went through the form of proposing a cessation, which the Dutch declined, alleging that the adjustment of the terms of a truce would require as much time as would finish the treaty. A remembrance of the burning of Schelling rankled in the breast of De Witt; and, while his ambassadors were negotiating at Breda, he sailed from the Texel, in company with De Ruyter, towards the English coast, ordering the fleet in detached squadrons to meet him at the Nore.

De Witt was not only animated by a thirst for vengeance, but encouraged by his knowledge of

* D'Estrades, v. 168.

the comparatively defenceless state of England. The liberality of the Parliament had been unprecedented. Sums of 2,450,000*l.* and 1,250,000*l.* had been successively voted, in the two preceding years, towards the expenses of the war; and, notwithstanding the fire of London, the Parliament, in October, 1666, voted a further sum of 1,800,000*l.* for the same purpose. But these sums were available only in part towards the future exigencies of the war. In October, 1666, there was a debt to the navy of 900,000*l.* The charge for two years and a month since the commencement of the war, as computed by Pepys, had been 3,200,000*l.*, of which only 2,300,000*l.* had been paid. Yet it was calculated that, in taxes and prizes, the King, during that period, had received 4,690,000*l.*, of which 2,390,000*l.* had gone to support the monstrous extravagance of his profligate court.* An immediate supply of money was wanted; and the parliamentary vote, though liberal, was not immediately available. Bankers and merchants in the city had been accustomed to advance money to the state, receiving interest at eight per cent., and obtaining the repayment of principal and interest out of some portion of the public revenue voted by Parliament, which was assigned to them for that purpose. But the successive visitations of pestilence and fire, and the great destruction of property which was caused by the latter, had impoverished the monied men of London. Many

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* Pepys, iii. 60.

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who would formerly have been lenders were now unable; and those who, though able, felt a reasonable distrust in the inability of the government to fulfil its engagements, were furnished by the common distress with a plausible reason for declining. The state of the navy was deplorable. "Nothing but destruction and confusion," said Pepys. "Seamen discouraged for want of pay, and are become not to be governed." "Every day brings news of some mutinies; nor, as matters are now, can any fleet go out next year."*

Reduction
of the navy.

In this melancholy position of affairs, Sir W. Coventry proposed, with a view to contract the expenses of the navy, that the ships of the first and second rate should be laid up in ordinary; that only lighter vessels should be sent out; and that our offensive operations should be confined to attacks upon the enemy's trade.† The plan was opposed by the Duke of York. But the other ministers, swayed by pecuniary difficulties, and misled by the expectation of a speedy peace, and the supposed unprepared condition of the Dutch, consented to a measure which, if consequences were the sole test of culpability, might be regarded, very justly, as one of the most culpable measures of this reign.‡ Attempts were made, in the course of the spring, to fortify Sheerness and Portsmouth §; but for the defence of the Thames

* Pepys, iii. 67. 116, 117.

† Evelyn, ii. 291. Pepys, iii. 252, 253, 254.

‡ Life of James I., 425.

§ Pepys, iii. 162.

hardly any thing was done till, on the 10th of June, it was ascertained at London that the Dutch fleet was actually at the Nore. Five ships were ordered immediately to be put in readiness; and Coventry and Pepys hurried down to Deptford to superintend measures for resistance. "But, "Lord!" exclaims the Secretary of the Admiralty "to see how backwardly things move at this pinch, "notwithstanding that, by the enemy's being now "come up as high as almost the Hope, Sir J. "Minnes, who was gone down to pay some ships "there, hath sent up the money; and so we are "possessed of money to do what we will with. "Yet partly ourselves being used to be idle and in "despair, and partly people that have been used "to be deceived by us as to money, wont believe "us, and we know not, though we have it, how "almost to promise it, and our wants such, and "men out of the way, that it is an admirable thing "to consider how much the King suffers, and how "necessary it is in a state to keep the King's "service always in a good posture and credit."*

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De Witt, who had divided his fleet, sent one division up the Thames as far as Gravesend, while with the other he attempted to effect his chief object—the destruction of the shipping in the Medway. The fort at Sheerness was soon silenced. The mouth of the Medway, protected by a boom and sunken ships, was eventually forced; and three guardships were burnt by the enemy, and

The Dutch
enter the
Thames.

* Pepys, iii. 238.

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the Royal Charles, a first rate, became their prize. On the following day, in spite of all the exertions of Albemarle, the Dutch were enabled to pursue their advantages, and sailing triumphantly up the river, burnt three English first rates, the Royal James, the Oak, and the London, and having performed this exploit, returned to the Nore.

The panic in London was excessive; and the Dutch were expected to invade the capital. Means had been taken to prevent their progress up the river, by sinking numerous ships at Woolwich and Blackwall; and in such trepidation and confusion was this service performed, that, without due selection, many valuable and useful vessels were unnecessarily destroyed.* Other parts of the English coast were next assailed, but without similar success. At Portsmouth, at Plymouth, and at Torbay, De Ruyter was repulsed; and he

* Pepys, iii. 253. Pepys says, "Strange our confusion! that among them that are sunk, they have gone and sunk without consideration " 'The Franclin,' one of the king's ships, with stores to a very considerable value, that hath been long loaden for supply of the ships, and " the new ship at Bristol, and much wanted there. And nobody will " own that they deserted it, but do lay it on Sir W. Rider. They " speak also of another ship, loaden to the value of 80,000*l.*, sunk with " the goods in her, or at least was mightily contended for by him and a " foreign ship, that had the faith of the nation for her security: this Sir " R. Ford tells us. And it is too plain a truth, that both here and at " Chatham, the ships that we have sunk have many, and the first of " them, been ships completely fitted for fire-ships at great charge. But " most strange, the backwardness and disorder of all people, especially " the King's people in pay, to do any work (Sir W. Pen tells me), all " crying out for money. And it was so at Chatham, that this night " comes an order from Sir W. Coventry to stop the pay of the wages " of that yard, the Duke of Albemarle having related that not above " three of 1100 in pay there did attend to do any work there." (Pepys, iii. 253, 254.)

was compelled by the brave resistance of Sir Edward Spragge to relinquish the design of re-entering the Thames.

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Treaty of
Breda.

Meanwhile negotiations were proceeding at Breda, where the Dutch had purposely caused delay, in order to give greater scope to the hostile operations of their fleet. But other events rendered them at length solicitous to conclude a peace. Louis, when secured from molestation by his secret treaty with the King of England, had, in May, commenced the invasion of the Spanish Netherlands with a powerful army, commanded by Turenne. Many fortresses were surrendered in the course of a few weeks, and it seemed probable that the whole of Flanders would soon be in his power. The Dutch were therefore no longer disposed to obstruct an agreement. Early in July the negotiators had decided upon the terms of the treaty, which only awaited the assent of England; and Coventry was dispatched to his court to obtain it. He soon returned with full powers to sign, and on the 21st of July three treaties of peace were concluded; one on the part of England with France, an other with Holland, and the third with Denmark.* The treaty with the Dutch enjoined peace for the future, and oblivion for the past. Each country was to remain in possession of what it at that time actually possessed,—a stipulation which gave to the Dutch the little valuable, but much contested, island of Pulo Ron, and to

* D'Estrades, v. 362—379. 395—428. Dumont, vii. part i. 40—57. Life of Clarendon, iii. 262—264.

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the English the more important territory of New York. Satisfaction for the two ships was not insisted on. Prisoners were to be liberated. Each nation was to enjoy all such rights of commerce and navigation as existed at the time of the signature of the treaty of 1662; and the Dutch were to lower their flag to all British ships of war. By the treaty with France, it was stipulated that Nova Scotia should be restored to Louis, while England was to obtain the restitution of Montserrat, Antigua, and a part of St. Christopher's. By the treaty with Denmark, terms of amity between that treacherous monarch and the King of England were formally re-established. Such were the terms of the treaty of Breda. Such were the advantages obtained by the contracting powers, in return for an expenditure of life and treasure, which, on the part of England and the States, had been of more than ordinary magnitude.

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GENERAL DISCONTENT.—UNPOPULARITY OF CLARENDON.—ITS CAUSES.—HE IS DISLIKED BY THE KING.—HIS ENEMIES AT COURT.—MARRIAGE OF MISS STEWART.—LADY CASTLEMAINE.—BUCKINGHAM.—DEATH OF SOUTHAMPTON.—CLARENDON UNSUPPORTED BY ANY PARTY OR CLASS.—HOSTILITY OF THE COMMONS.—PARLIAMENT SUMMONED, AND IMMEDIATELY DISMISSED.—DEATH OF LADY CLARENDON.—CLARENDON IS ADVISED TO RESIGN, THAT HE MAY AVOID IMPEACHMENT.—HIS INTERVIEW WITH THE KING.—THE GREAT SEAL IS TAKEN FROM HIM.

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THE peace, though long desired in England, caused only disappointment. The people forgot that their reduced condition prevented their making better terms. They remembered only that they had been long at war, and that they had spent and suffered much; and they imagined that they had merited some profitable return for that expense, some compensation for those sufferings. When the peace was proclaimed, no bonfires gave the usual evidence of popular joy, “partly,” says Pepys, “from the dearness of firing, but principally from the little content most people have in the peace.” “Nobody,” says the same writer, “was pleased with it, though nobody dared wish for the continuance of the war, it being plain that nothing do nor can thrive under us.”*

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* Pepys, iii. 312. 331.

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Discontent had become general and alarming. A succession of calamities had depressed and soured the minds of the people, and had created a general impression of corruption and abuse in the administration of public affairs. The continued pressure of that war for which the people had clamoured, and from which they had derived no advantage — our naval losses — the repulse at Bergen — the division of the fleet — the decay of trade — the failure of credit — the want of money — the extravagance of the court and its notorious profligacy — the mal-appropriation of the public resources, strongly suspected and shamefully true — all these were aggravated by two calamities not imputable to the same causes (the great Plague, and the fire of London), which, being productive of much distress, rendered the people more dejected, more sensitive, more exasperated against the author of such evils as they could fairly attribute to mal-administration. The enthusiastic loyalty of 1660 had gradually subsided, and had been succeeded by apathy or disgust. The name of “courtier” became again unpalatable to electors; and frequently was Cromwell commended for the “brave things he did,” and the respect he inspired in neighbouring princes, and was contrasted with Charles now so fallen from “the love and good liking of his people,” “that it is a miracle,” says Pepys, “what way a man could devise to lose so much in so little time.”* The

* Pepys, iii. 289.

sins of the court were denounced from the pulpit* ; and even a royalist like Evelyn could tell an official friend like Pepys, "that wise men do
 "prepare to remove abroad what they have, for
 "that we must be ruined, our case being past
 "relief; the kingdom so much in debt, and the
 "King minding nothing but his lust."† A despairing apathy had seized the people, which obscured for a time the national courage, and almost rendered ineffectual that most stirring motive for exertion, the protection of our coast against foreign invasion.‡

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But the invasion, which could not animate the courage of the people, could at least inflame their resentment. The disgrace was glaring; the panic was excessive; and the blockade of the Thames causing a distressing scarcity of fuel, brought home to every one an actual sense of the miseries of war.§ A people so irritated naturally sought for some individual on whom they might fasten the weight of their displeasure; and what object seemed so fit as the prime minister, the ostensible adviser of the mal-administration under which they groaned? Discrimination is seldom the characteristic of popular feeling, and never less than when it is much excited. On Clarendon therefore, was poured the odium of every measure and event, which, whether justly imputable to him or not, the public, at that moment, regarded as a grievance.

Clarendon's
 unpopularity.

* Pepys, iii. 313.

† Ibid., iii. 321.

‡ Ibid., iii. 302, 306, 307, 309, 313, 273, 262, 263, 255, 250, 248, 237, 238.

§ Evelyn, ii. 287, 288, 289. Pepys, iii. 243—265, 275.

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The war which he had originally opposed, the division of the fleet which he had not suggested, and even the want of royal issue which he could not have foreseen (the Queen having recently miscarried), were all laid to his charge. Old topics of complaint were revived by the pressure of a calamity with which those topics had no connection; and, in the midst of the panic and rage of the populace, at the alarming news that the Dutch were at Gravesend, they broke the windows of Clarendon's house, and painted a gibbet on his gate, accompanied with this rude rhyme:—

“Three sights to be seen,
Dunkirk, Tangiers, and a barren Queen.”*

Clarendon, whose elevated position thus exposed him to the storm, had, by an act of splendid imprudence, rendered himself still more a conspicuous mark for popular indignation. He had caused to be built a mansion which the fastidious Evelyn, though he admitted it had some architectural defects, pronounced to be “the first palace, the best contrived, the most useful, graceful, and magnificent house in England;” — “nothing abroad pleased him better, — nothing at home approached it.”† It was erected on a piece of ground granted by the King to him and his son ‡, and stood facing the south, on the space now occupied by Albemarle Street. He had estimated the expense at £20,000, a sum not disproportioned to his means. But in making this estimate

* Pepys, iii. 251. † Evelyn, ii. 280.; iv. 173. ‡ Vol. III. p. 525.

he must have been much deceived, for Lord Orrery had warned him that it would amount to twice that sum; and it appears to have eventually cost him not less than £50,000.* “His own unskilfulness in architecture,” and “the positive undertaking” of the architect, Pratt, “that the expense should not amount to a third part of what in truth it afterwards amounted to †,” are the excuses pleaded by himself for what he subsequently mentioned, with bitter regret, as a signal act of vanity and folly. ‡ The erection of this splendid mansion, which was made ready for his reception in the spring of 1667 §, had also, unfortunately for its founder, been proceeding during a period of public calamity. In addition to the stagnation of trade, and the consequent distress which had been caused by the war, pestilence and fire had desolated the city during the two preceding years. He had not aggravated these evils by his architectural expenses: on the contrary, he had done good, by affording employment when many thousands were thrown out of work. But the people, apt to feel much and reflect little, and to be affected most by what is most ostensible, would not admit these palliating considerations. They saw only in this splendid pile an insulting proof that the powerful director of public events was exempted from the pressure of those calamities

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* Vol. III. p. 452. Burnet, i. 431.

† Life of Clarendon, iii. 457

‡ Ibid., iii. 456. Burnet, i. 430. 441.

§ Evelyn, ii. 285.

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which they might ignorantly imagine he could have prevented. To a people in this frame of mind, even trivial circumstances connected with the building became serious matters of offence. "Before the war," as we are told by Burnet, "there were some designs on foot for the repairing of St. Paul's; and many stones were brought thither." The project was laid aside, and the stone was bought and applied to the erection of Clarendon House; — a circumstance which, however slight, "had a great effect by the management of his enemies."*

The magnificence of the structure also lent credibility and consistency to those floating rumours of bribery and extortion, greedily received in every age, and not unreasonably deemed probable, when there were still living those who could have remembered the proved corruption of Clarendon's greater predecessor, Bacon. Nicknames for the obnoxious building gave ready currency to these accusations. It was called Dunkirk House, in allusion to supposed bribes from France for the sale of Dunkirk, — Holland House, because for some imaginary service which the most hostile ingenuity could not discover, he was said to have received a bribe from the Dutch, — and Tangier Hall, because the nation began to be disgusted with the unprofitableness of that acquisition, to which, by the advice of those who had better means of information, Clarendon had given his as-

* Burnet, i. 432.

sent, and to which it now chose to say he had assented for money. He was charged, in the pasquinades of the day, with having accepted for this purpose presents or bribes from many private individuals, — an accusation which perhaps arose from the circumstance mentioned by Evelyn, of his having received many presents of pictures, when his intention became known of forming a collection for the adornment of his new house.* The attacks which were levelled at his ostentatious mansion are thus summed up, with the usual exaggerations of a party epigram, by Andrew Marvell:—

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“ Here lie the sacred bones
 “ Of Paul, beguiled of his stones :
 “ Here lie golden briberies,
 “ The price of ruin'd families ;
 “ The Cavalier's debenter wall,
 “ Fix'd on an eccentric basis :
 “ Here's Dunkirk Town and Tangier Hall,
 “ The Queen's marriage and all ;
 “ The Dutchman's *templum pacis*.” †

The King, against whom the indignation of the public might more justly have been directed ; who had laboured to debase the morality of the country by an unblushing display of the grossest profligacy, and to ruin its finances by the wildest extravagance ; who had shamefully forgotten the responsibilities of his station, and neglected, in the pursuit of frivolous amusement, the important interests of the country ; who, immediately after the fire of London, had applied the energies of his mind to a change of the court costume ; who,

* Evelyn, iv. 310.

† Marvell's Works, iii. 342.

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while the Dutch were burning our ships in the Thames, was amusing himself and Lady Castlemaine with the dignified pastime of hunting a moth*; who was most anxiously engaged at this season of peril in composing the quarrels of his rival mistresses; who, instead of rousing the dejected spirits of his people by placing himself at their head, was with difficulty prevented from retiring to Windsor, while he sent down Albemarle to repel the Dutch †; who had permitted more than half a million of the public money to be diverted into the priyy purse, on which a mistress drew at pleasure, while a part of the small grant which had been wrung from his ingratitude, for the aged sister of Sir George Lisle, shamefully remained unpaid ‡; — this king, whom the indulgence of posterity has mildly designated as the “Merry Monarch,” was not displeased to see the public indignation turned from himself and falling solely on the devoted head of his first minister.

Charles had long nourished a dislike of Clarendon, which was industriously fostered by his

* Pepys says, “Sir H. Cholmly came to me this day, and tells me the court is as mad as ever; and that the night the Dutch burned our ships the King did sup with my Lady Castlemaine, at the Duchesse of Monmouth’s; and these were all mad in hunting of a poor moth.” (Pepys, iii. 262.)

† Burnet, i. 433.

‡ A petition is extant in the State Paper Office from Mrs. Mary Lisle, sister of Sir George Lisle, dated March 9, 1669, from which it appears that of 2000*l.* granted to her, Feb. 24, 1662, only 1100*l.* had been paid, and 900*l.* was still due; and, says the petition, “whereas your petitioner is in great want and misery, her humble suite to your Majesty is, that you will bee graciously pleased to give order to the Lord Commissioners of your Majesty’s Treasury for paying off the sayd sum of nine hundred pounds, for the reliefe of your poore petitioner, in her greate distresse.”

profligate associates. The commanding talents and acknowledged services of the Chancellor, aided by the magic of old associations, and Charles's habits of deference to a well-established ascendancy, had long been the only circumstances which gave to the minister a potent voice in the councils of the King. But if habits of deference on the part of the King served to cement the power of Clarendon, they were also in some respects injurious. They rendered the minister imprudently dictatorial, and too little mindful that they no longer stood on the ancient footing of pupil and of master, and that the Restoration, though it also added to his own importance, had destroyed for ever that proximity which youth and broken fortunes had produced. That a tone of unceremonious reproof was adopted after the Restoration is evident from those written communications which passed to and fro between the King and the Chancellor:—"Indeed you are to blame that you have not yet given your warrant." "Have you said all those gracious things to Middleton you resolved?" "Will you never speak to my Lord —, nor ask him the other question you intended?" "My Lord Newcastle complains much that you neither grant nor deny. Why do you not tell him what you resolve to do, and the reason?"* These were the blunt, uncourtly terms in which the minister addressed the sovereign. He also appears, from the same evi-

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* See Vol. III. *passim*.

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dence, to have been peremptory in his demands upon Charles's time, — fixing time and place of meeting, and in one instance exciting the complaint, that Clarendon made appointments for the King at an earlier hour than he would admit them for himself. Circumstances like these, afforded a handle for those intriguers, who sought to lessen the influence of Clarendon, and who artfully wrought upon that feeling so common among weak men, — the fear of *seeming* to be governed. “If the King,” said Clarendon, “would go such a journey, or do such a trivial thing to-morrow, somebody would lay a wager that he would not do it; and when he was asked why, it was answered, that the Chancellor would not let him: and then another would protest, that he thought there was no ground for that imputation; however, he would not deny, that it was generally believed abroad, that his Majesty was entirely and implicitly governed by the Chancellor.” *

The aid of ridicule was also summoned to undermine an influence of which the King was thus made jealous and ashamed. The wits of the Court, (and foremost among them, Buckingham and Killigrew, the former of whom was a political rival,) made the absent Chancellor a frequent subject of their mirth in the King's presence. Mimicry was successfully employed; and they ventured, for the amusement of Charles and Lady Castlemaine, upon the broad buffoonery of exhibiting the mimic Chan-

* Life of Clarendon, ii. 342.

cellor with bellows and fire-shovel carried before him, like the purse and mace; — a jest, which was perhaps heightened by some ostentation on the part of Clarendon.*

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These attacks had weakened the influence of the Chancellor, and made his sway seem irksome to the King; when his suspected opposition to Charles's pleasures in a matter then highly interesting, filled full the measure of resentment. Charles had long been much enamoured of Miss Stewart, one of the most distinguished beauties of his Court: and though the lady permitted her royal lover to give more unequivocal evidence of his admiration than was consistent with decorum, she is said to have been sufficiently obdurate, to have caused the King to consider, whether as the sole remaining means of gratification, he should endeavour to obtain a divorce from Catherine, on the plea of her sterility, and offer his hand in marriage to the fair Stewart. He is reported not only to have meditated this divorce, but to have consulted thereupon Archbishop Sheldon.† In the mean time these intentions were frustrated by Miss Stewart's marriage to the Duke of Richmond, who had been long a wooer, and who is said to have had recourse to a clandestine union, in consequence of the King's opposition. An accidental meeting of Charles and Lord Cornbury, the son of Lord Cla-

Marriage
of Miss
Stewart.

* Burnet, i. 445, *note*. Life of Clarendon, ii. 341. Evelyn, in his Diary, Aug. 15. 1662, has this entry:—"Came my Lord Chancellor (the Earle of Clarendon) and his lady, his purse and mace borne before him, to visit me." (Evelyn, ii. 196.)

† Burnet, i. 438, *note*.

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rendon, at the door of Miss Stewart's residence, joined to the suggestions of various persons, caused the King to suspect Lord Clarendon of having been instrumental in effecting this marriage. There was an obvious motive on the part of Clarendon, — the desire of securing for his daughter's children the succession to the throne; and Sheldon, the friend of Clarendon, who had desired time for consideration on the subject of the divorce, and who returned no answer, till after Miss Stewart's marriage to Richmond, was suspected to have revealed the design to the Chancellor. Rumours that Clarendon had prevented this marriage, reached the ears of Clarendon himself; and he denied it in the King's presence; — a denial which, feeling that it had not gained due credence, he condescended to repeat by letter a few months afterwards. † It is sufficient to say, that the King believed the rumour; and this belief augmented his desire to displace Lord Clarendon from his councils.

Enmity of
Lady
Castlemaine.

Clarendon had also a powerful enemy in the King's implacable and imperious mistress. Lady Castlemaine knew that he had systematically endeavoured to counteract her influence — that he had opposed her admission to the post of Lady of the Bed-chamber to the Queen, and the elevation of her husband to the earldom of Castlemaine. He had stopped grants made to her by the King; and though her father was among the oldest friends of Clarendon, and the first cousin of his

* Burnet, i. 438, note. Pepys, iii. 203, 293. Mém. de Grammont.

† Life of Clarendon, iii. 323—325.

first wife, he would show her no courtesy but such as was unavoidable, and would not allow his wife to visit her. He had avowed and justified this conduct in an interview with the King; in which he told him, "that as it would reflect upon his Majesty himself, if his Chancellor was known, or thought to be of dissolute and debauched manners, which would make him as incapable as unworthy to do him service; so it would be a blemish and taint upon him to give any countenance, or to pay more than ordinary courtesy, and unavoidable civilities to persons infamous for any vice, for which by the laws of God and man they ought to be odious, and to be exposed to the judgment of the church and state; and that he would not for his own sake, and for his own dignity, to how low a condition soever he might be reduced, stoop to such a condescension as to have the least commerce, or to make the application of a visit to any such person, for any benefit or advantage that it might bring to him. He did beseech his Majesty not to believe, that he hath a prerogative to declare vice virtue, or to qualify any person who lives in a sin and avows it, against which God himself hath pronounced damnation, for the company and conversation of innocent and worthy persons; and that whatever low obedience, which was in truth gross flattery, some people might pay to what they believed would be grateful to his Majesty, they had in their hearts a perfect detestation of the persons they made address to; and that for his part he was

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July 1667. By the influence of Lady Castlemaine, the most powerful enemy of Clarendon was re-instated in court favour. The Duke of Buckingham, for practices of a treasonable description, had been deprived of his office, and a warrant issued for his committal to the Tower. The witness against him died. The Duke surrendered himself to justice, was examined before the council, conducted himself “ submissively and pleasingly to the King,” and parried a serious portion of the charge against him, by disclaiming a letter which was produced, and ascribing it to his sister. The impression which he made was favourable ; and Lady Castlemaine pleaded for his restoration, not only to liberty, but to all his forfeited offices, with a rhetoric which, however uncourtly, she had ascertained to be efficient. She called Charles “ fool,” and “ told him “ if he was not a fool, he would not suffer his businesses to be carried on by fools that did not understand them, and cause his best subjects, and those best able to serve him, to be imprisoned.” † The foul-mouthed mistress was successful ; and within a week, the royal puppet, who scorned to be governed by his wife or his prime minister, submissively consented to admit Buckingham to court, and re-instated him in his former offices. ‡ This was another

* Life of Clarendon, iii. 114. Pepys, iii. 352—357. Burnet, i. 431.

† Pepys, iii. 88.

‡ Life of Clarendon, iii. 267—281. Carte, ii. 349. Pepys, iii. 292, 293.

of those concurrent circumstances which paved the way to Clarendon's fall.

Lord Clarendon's position was at this time weakened by the recent death of his old and valued friend Southampton, — a misfortune which he has designated as “ a gap wide enough to let in all that ruin, which soon after was poured in upon him.” This friend, whom, next to the lamented Falkland, he seems to have esteemed most highly, he has described “ as a person of extraordinary parts, of faculties very discerning, and a judgment very profound; great eloquence in his delivery, without the least affectation of words, for he always spoke best on the sudden, — was not only an exact observer of justice, but so clear-sighted a discerner of all the circumstances which might disguise it, that no false or fraudulent colour could impose upon him; and of so sincere and impartial a judgment, that no prejudice to the person of any man made him less awake to his cause, but believed that there is *aliquid et in hostem nefas*, and that a very ill man might be unjustly dealt with.* No successor was appointed in the place of Southampton, and, contrary to the advice of Clarendon, the treasury was put in commission.†

Deprived of the countenance of this ally, “ who, when they were together, had credit enough with the King, and at the board, to prevent, at least to defer, any very unreasonable resolution‡;” railed

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Death of
Southamp-
ton.

May 16.

* Life of Clarendon, iii. 228—231.

† Ibid., iii. 240—245.

‡ Ibid., iii. 229.

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at by the populace, hated by the court, Clarendon found himself in this time of peril unsupported by any one party, and exposed to the enmity of many. He had not only neglected the arts of popularity, and offended individuals by his infirmities of temper attributable perhaps to the irritation of disease, but he had alienated whole classes of men by sundry public speeches and ministerial measures. The Cavaliers had never forgiven him, for having been the promoter of the Act of Indemnity. The Presbyterians hated him for the Act of Uniformity. The Roman Catholics, headed by their secret favourer the King, were, with few exceptions, adverse to him for his strenuous opposition in 1663 to the insidious attempt to let in popery by investing the King with a dispensing power. Those who were imbued with republican principles disliked a minister who supported the prerogative: while vehement friends of the prerogative, disappointed royalists, and thwarted courtiers, were violent against one, who, in appointing men whom he deemed most fit, had overlooked the fancied claims of party, had often rejected extravagant demands, and strove to curb the prodigality of the court. Even the Bishops, whose champion he had been, were displeased, (as he tells us,) at his wish to mitigate the severities of the Act of Uniformity; and his ineffectual leaning to the side of mercy “produced a greater coldness from some
“of them towards him, and a greater resentment
“from him who thought he had deserved better
“from their function and their persons, than was in

“a long time, *if ever*, perfectly reconciled.”* The clergy generally, (as we learn from a speech made in parliament by one of Clarendon’s accusers,) had also their subject of complaint against him, inasmuch as they had been charged in a proclamation with drunkenness.†

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He had offended the Lords, (“who thought him not zealous enough for the privilege of the peerage,”) by reproving their conduct towards the House of Commons, — telling them they could not hope to be duly respected, “till they declined all unjust or unnecessary pretences to privileges which were not their due, and especially to a power of calling private cases of right and justice, which ought to be determined by the law, and in courts of justice, to be heard and adjudged before themselves in Parliament:” — language, which was “ill taken,” and “transmitted to them who would not fail in some season to remember and apply it to his highest disadvantage.”‡

The Commons were still more deeply, and in some respects more justly offended. He had intemperately reproved Sir George Downing, a member of the House of Commons, designating his conduct as deserving of punishment, because he ventured to propose a motion, which the Commons afterwards sanctioned. He had thereby not merely insulted an individual, but had assailed the privileges of the House. He had given more recent offence, when it was debated in council, whether the Parliament which

Hostility of
the Com-
mons to
Clarendon.

* Life of Clarendon, ii. 150. † Parl. Hist. iv. 382.
‡ Life of Clarendon, iii. 169, 170.

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stood prorogued to the 20th of October, should be previously summoned in the summer. Clarendon objected to the previous summons, alleging that in the opinion of many lawyers, when the Parliament stood prorogued to a certain day, the legality of convening it sooner was very doubtful; and he suggested as an expedient, that, "if the necessities were so urgent, that it was absolutely necessary that a Parliament should be convened, and that which stood prorogued could not lawfully re-assemble till the 20th October, as he was confident it could not, there was no question to be made, but that the King might lawfully by his proclamation presently *dissolve* the prorogued Parliament, and send out his writs to have a new Parliament, which might regularly meet a month before the prorogued Parliament could come together." * This advice was rejected, for it was

* Life of Clarendon, iii. 257. Hatsell says, "The measure taken by Charles II., in the year 1667, on the alarm given by the Dutch fleet coming up to Chatham, of calling together the Parliament, on the 25th of July, when they stood prorogued to the 10th of October, was, notwithstanding the opinion of Mr. Prynne, 'who was privately carried to the King, to satisfy him that, upon an extraordinary occasion, he might do it,' clearly illegal; and though it was carried in the council against Lord Clarendon's opinion, *his arguments upon that question were unanswerable*. If it had been then thought absolutely necessary for the Parliament to meet, the proper measure was that which Lord Clarendon advised, of 'dissolving the prorogued parliament, and sending out writs for a new one, which might regularly have met a month before the prorogued parliament could come together.' For, at that time, there was no law in being which ascertained any particular interval between the teste and return of writs." (Hatsell's Precedents, ii. 239.) Hatsell adds, in a note, "In the 12th and 13th years of Edward IV., 1473, upon the parliament being prorogued from the 8th of April to the 6th of October next ensuing, an act passed which is not in the statute book, but is to be found amongst the Rolls of Parliament, in the 6th vol. p. 42. No. xliii., by which it is ordained, 'That albeit such prorogation and adjournment be had, yet if, for any urgent

thought, and with truth, that a general election in such a period of discontent, would probably restore the influence of the Presbyterians, and fill the House with men opposed to the extravagance of the Court. Had this advice been followed, the country might have been saved from the misrule of the Cabal. But advice more distasteful to the existing Parliament, — more calculated to raise a host of foes in that assembly, could scarcely have been offered. Busy enemies also insinuated, that he was altogether opposed to the influence of the Parliament; and that he had told the King, that Queen Elizabeth in 1588, at the period of invasion by the Spanish Armada, “did do all her business without calling a Parliament, and so might he do for any thing he saw.”* The precedent appealed to, was not a dangerous one, nor intimated a desire for a long in-

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“ ‘ cause moving his Highness it shall be thought to the same necessary
 “ ‘ and behovefull to resume, assemble, and have appearance of this his
 “ ‘ said Parliament at any time or place afore the said sixth day of
 “ ‘ October, that then, at his pleasure, he may direct his several writs
 “ ‘ to the sheriffs of every shire of his realm, to make open proclamation
 “ ‘ in every shire town, that all Lords Spiritual and Temporal, being
 “ ‘ lords of Parliament, and all knights of shires, citizens of cities, and
 “ ‘ burgesses of boroughs, returned in this present Parliament, person-
 “ ‘ ally appear at such place and day as in the said writs of proclamation
 “ ‘ shall be specified: so always, that every of the said writs be made
 “ ‘ out twenty days or more afore the said day of appearance limited by
 “ ‘ the same: and that such appearance be taken and had of like force
 “ ‘ and effect as if the King had prorogued this Parliament to the same
 “ ‘ day and place: and that thus the said prorogation and adjournment
 “ ‘ to the said sixth day of October be void and of none effect.’ This
 “ ‘ record is an additional argument in favour of Lord Clarendon’s, and
 “ ‘ against Mr. Pryn’s, opinion, given to Charles II. in the year 1667.”
 Ibid.

* Pepys, iii. 274.

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termission; for Elizabeth, who raised large sums by loan for immediate emergencies in 1588, called a Parliament early in the following year, which voted a liberal supply. He was also reported to have said, "that 400 country gentlemen were only fit to give money, and did not know how an invasion was to be resisted,"—words which, if really uttered, were impolitic and disrespectful, and the report of which, whether true or not, was at any rate accepted as true, and served to swell the aggregate of complaint against the ill-starred minister, who was supposed to have uttered them.

Another rumour was also current of advice tendered by the Chancellor, which his enemies magnified into a design to dispense with Parliaments in future, and to govern by a standing army. That Clarendon should have conceived this mad design,—a design not only evidently impracticable, but opposed to the tenor of his previous policy, is improbable in the highest degree. He thus describes the advice which gave a colour to this rumour, saying that in answer to the King's enquiry what he advised, he had replied, "that he thought it very clear, that the Parliament could not assemble, though the proclamation should issue out that very hour, within less than twenty days; and that if they were met, and believed themselves lawfully qualified to grant a supply of money, all men knew the formality of that transaction would require so much time, that money could not be raised time enough to raise an army, or to maintain that part of it that was raised, to prevent the landing

“ of an enemy that was already upon the coast ;
 “ and (as many thought, or seemed to think,)
 “ ready every day to make their descent ; and yet
 “ the sending out a proclamation for re-assembling
 “ the Parliament would inevitably put an end to all
 “ other counsels.” * Then after stating his belief,
 that the pending treaty would soon put an end to
 the war, he proceeded to observe, that “ for the
 “ present support of those troops, which were ne-
 “ cessary to guard the coasts, since money could
 “ not be found for their present constant pay,
 “ without which free quarter could not be avoided,
 “ the only way that appeared to him to be prac-
 “ ticable, and to avoid the last evil, would be, to
 “ write letters to the lieutenants and deputy
 “ lieutenants of those counties, where the troops
 “ were obliged to remain, that they would cause
 “ provisions of all kinds to be brought into those
 “ quarters, that so the soldiers might not be com-
 “ pelled to straggle abroad, to provide their own
 “ victual, which would end in the worst kind of
 “ free quarter ; and that the like letters might be
 “ written to the neighbour counties wherein no
 “ soldiers were quartered, to raise money by way of
 “ contribution or loan, which should be abated out
 “ of the next impositions ; that so the troops might
 “ be enabled to stay and continue in their posts,
 “ where they were for defence of the kingdom, in
 “ which those other counties had their share in the
 “ benefit, and without which they must themselves

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* Life of Clarendon, iii. 258.

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“ be exposed to the disorder of the soldiers, and
 “ possibly to the invasion of the enemy. It is very
 “ probable that in the earnestness of this debate,
 “ and the frequent interruptions which were given
 “ he might use that expression (which was after-
 “ wards objected against him), ‘ of raising contri-
 “ bution as had been in the late civil war.’
 “ Whatever it was he said, it was evident at the
 “ time that some men were well pleased with it,
 “ as somewhat they meant to make use of hereafter,
 “ in which his innocence made him little con-
 “ cerned.” *

Meeting of
Parliament
and imme-
diate proro-
gation.

The Parliament met on the 25th of July. Prompt measures had been taken to inspire the Commons with an exaggerated horror of military domination; for on the first day of meeting, though a peace was not yet known to be concluded, and though the King had requested them to adjourn till Monday, when he proposed to open the session in person, a member of Parliament rose to state, “ that all the country is grieved at this
 “ new raised standing army; and that they thought
 “ themselves safe enough in their trayn-bands.”
 The House would not adjourn even from Thursday to the ensuing Monday without a vote on this subject; and, after many had spoken, it was resolved, without a division, “ that his Majesty be
 “ humbly desired, by such members of this House
 “ as are of the privy council, that when a peace is
 “ concluded, the new raised forces be disbanded.” †

* Life of Clarendon, iii. 259, 260.

† Pepys, iii. 300. Commons' Journals, July 25, 1667.

On the 29th of July the King, in a short speech, informed the Parliament that the peace was concluded, and all further occasion for their presence had ceased; and that "he wondered what one thing he had done since his coming into England to persuade any sober person that he did intend to govern by a standing army." "The last year he raised some troops, which he disbanded as soon as the season would permit; and he was certain he deferred raising forces long enough this year, in that he gave not one commission till the enemy were landed; and he was sure that the persons now in commission are such as will be as desirous to be out of the employment as to continue in it*;" and he then bid the Chancellor inform them that the Parliament was prorogued to the 10th of October.

This abrupt dismissal, which proved how unnecessarily the Parliament had been summoned, caused great dissatisfaction. "I saw," says Pepys, "several of the great men of the Commons, and some of them old men, that are come 200 miles and more to attend this session of Parliament, and have been at great charge and disappointments in their other private business, and now all to no purpose, — neither to serve their country, content themselves, nor receive any thanks from the King†;" and he adds, "it is verily reported by many of them, that the King will con-

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* Lords' Journals, July 29. 1667.

† Pepys, iii. 312.

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“tinue the prorogation in October, so as, if it be possible, never to have this Parliament more.”

The most studied ingenuity could scarcely have devised a plan more calculated to excite the anger of the House of Commons than this wanton summons and abrupt dismissal; and the burthen of their accumulated wrath fell heavily on the Chancellor. They believed that, failing in the attempt to prevent their being convened, failing in the attempt to procure their dissolution, he had contrived to render their meeting fruitless; and a feeling, akin rather to personal enmity than to political opposition, gained rapid growth among the members of the lower house, and was diligently fed by the many enviers of Clarendon’s power.

Death of
Lady Cla-
rendon.

A severe domestic affliction visited Clarendon in the course of this summer. “His wife, the mother of all his children, and his companion in all his banishment, and who had made all his former calamities less grievous by her company and courage, having made a journey to Tunbridge for her health, returned from thence without the benefit she expected, yet without being thought by the physicians to be in any danger, and within less than three days died; which was so sudden, unexpected, and irreparable a loss, that he had not courage to support; which nobody wondered at who knew the mutual satisfaction and comfort they had in each other.”* Thus

* Life of Clarendon, iii. 282.

does Lord Clarendon record this calamity in terms indicative of affection and regret, but characterised by his usual inaccuracy, for she had not been "his companion in all his banishment," and had not been with him at Jersey or in Spain, or during the periods of his attendance upon the King, at Paris and at Cologne. Of the character of the Countess of Clarendon no knowledge can be gathered from any writings that have yet transpired. She is mentioned rarely by her husband, and not at all in published letters from her sons; and in each of the Journals of Evelyn and Pepys, with which our literature has been recently enriched, her name only once occurs. I have found only one letter of her's in the Bodleian Library, and it is addressed to her husband during their residence on the Continent. It is utterly unimportant; but, for the satisfaction of any who may wish to see this solitary specimen of her epistolary style, I subjoin it in a note.*

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It was in this season of affliction, and while the widower still abstained from appearing in public,

* Ant. 7 Oct. 1658.

" My Deare Hart

" I came to Antwarpe at 5 of the cloke where I mett wth yours of
 " the 4 w^{ch} maid me wish myselfe at Breda againe your letter haveing
 " so little of comfort in it and to add to it M^r Shaw is gon to meete
 " his wife w^{ch} troubled but M^r Ash is so scivell that I will now stay till
 " I rec. your orders. Just now S^r John Mennes is come to me and
 " gives me good hopes of a lodging w^{ch} hath maid me resoulfe to send
 " Peeter and 2 maids with this nights Boat to make all as redy and as
 " cleane as they can against you give me leave to come the truth is I
 " am not willing to keepe them here w^l shift ever I make pray give me
 " leave to come to you as soone as you can. I pray god keepe you.

" Your young

" soone mince

" hath blotted

" all my letter."

My Deare Hart

Ever your owne

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the King, incited by Lady Castlemaine and Buckingham, took the first step towards the accomplishment of his ungrateful purpose. He sent to Lord Clarendon, through the Duke of York, a message, intimating that he had been secretly informed that the Parliament would impeach him at their next meeting; "not only for his having opposed them in all those things upon which they had set their hearts, but that they had been informed that he had proposed and advised their dissolution*;" and recommending that the Chancellor should appease their wrath by an immediate surrender of the Great Seal.

The Chancellor, in reply, expressed his regret "that the King should have no better opinion of his innocence and integrity than to conclude" that he must be ruined by such an attack, and "wished that he might have the honour to speak with the King before he returned any answer to his commands." † The request was granted; and, on the 26th of August, Lord Clarendon had an interview with the King, at Whitehall, in the presence of the Duke of York. He said that he had no suit to make to the King, nor the least thought to divert him from the resolution he had taken; but he wished to receive the King's determination from the King himself, and came to know what fault he had committed. The King disclaimed having "any thing to object to him;" but professed "that he had taken this

* Life of Clarendon, iii. 288.

† Ibid, iii. 285.

“ resolution for his good and preservation ;” and that “ his taking the seal from him at this time “ would so well please the Parliament, that his “ Majesty should thereby be able to preserve him, “ and to provide for the passage of his own business, and the obtaining all that he desired ;” and he added, that the business was already “ so “ publicly spoken of, that he knew not how to “ change his purpose.” The Chancellor replied, “ that he would by no means suffer it to be believed, that he himself was willing to deliver up “ the seal ;” that if he were to be deprived of it, “ he could not acknowledge this deprivation to be “ done in his favour, or in order to do him good ;” and, “ that he was so far from fearing the justice “ of the Parliament, that he renounced his Majesty’s protection or interposition towards his “ preservation.” The King still harped upon the power of the Parliament, and their hostility to Clarendon ; and “ that his own condition was such, “ that he could not dispute with them ; but was, “ upon the matter, at their mercy.” In reply to this, the Chancellor besought him, “ whatever “ resolution he took in his particular, not to suffer “ his spirits to fall, nor himself to be dejected, “ with the apprehension of the formidable power “ of the Parliament, which was more, or less, or “ nothing, as he pleased to make it : that it was “ yet in his own power to govern them ; but if “ they found it was in theirs to govern him, nobody “ knew what the end would be. And thereupon he

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“ made him a short relation of the method that
 “ was used in the time of Richard II. *, when
 “ they terrified the King with the power and the
 “ purposes of the Parliament, till they brought
 “ him to consent to that from which he could not
 “ redeem himself, and without which they could
 “ have done him no harm.” †

I must pause to observe that the preceding expressions, — namely, “ the power of the Parliament was
 “ more, or less, or nothing, as the King chose to make
 “ it ;” and that it was yet in the King’s power to
 “ govern them,” — are very susceptible of misinterpretation, if considered as *isolated* passages. It must

* Richard II. was an apposite example, and his fate might well serve as a warning to Charles. His faults were of a similar kind. “ No voice
 “ of his people, until it spoke in thunder, could stop an intoxicated boy
 “ in the wasteful career of dissipation. He loved festivals and pageants,
 “ the prevailing folly of his time, with unusual frivolity: and his ordinary
 “ living is represented as beyond comparison more showy and
 “ sumptuous than even that of his magnificent and chivalrous predecessor.” (Hallam’s History of the Middle Ages, iii. 103.) “ His distresses gave no small advantage to the Commons. Their Speaker
 “ was instructed to declare that, as it appeared to them, if the affairs of
 “ their liege lord had been properly conducted at home and abroad, he
 “ could not have wanted aid of his Commons, who are now poorer than
 “ before. They pray that, as the King was so much advanced in age
 “ and discretion, his perpetual council (appointed in his first parliament)
 “ might be discharged from their labours: and that, instead of them, the five
 “ chief officers of state, to wit, the Chancellor, Treasurer, Keeper of the
 “ Privy Seal, Chamberlain and Steward of the Household, might be named in
 “ Parliament, and declared to the Commons, as the King’s sole counsellors,
 “ not removable before the next Parliament. They required also a general
 “ commission to be made out, similar to that in the last session, giving
 “ powers to a certain number of peers and other distinguished persons, to
 “ inquire into the state of the household, as well as into all receipts and
 “ expenses, since the King’s accession. The former petition seems to have
 “ been passed over; but a commission, as requested, was made out to three
 “ prelates, three earls, three bannerets, three knights, and three citizens.” (Ibid. vol. iii. p. 92.)

† Life of Clarendon, iii. 290.

be remembered that Clarendon had said that, so far from fearing the justice of Parliament, he renounced the King's interposition in his behalf; that what he said was in reply to the King's complaint, that "his own condition was such, that he "was at the mercy of the Parliament;" and that he afterwards held up to the King the example of Richard II., whose similar extravagance had rendered him similarly dependent. Viewed in connection with these passages, the equivocal expressions used by Clarendon do not *necessarily* mean more than that the power of the Parliament to control the King in the exercise of his undoubted prerogative, and to change the existing relative positions, was more, or less, or nothing, as *he* chose to make it; — that is, that only through *his own fault*, through wastefulness and misgovernment, would he be subjected to encroachments; and that although he had already lost much influence through his errors, "it was yet in his power to "govern the Parliament;" or in other words, to exercise practically those powers with which, by the theory of the constitution, he was then invested. I have thus pointed out a possible (and, in my opinion, a probable,) interpretation, and, without insisting on its being accepted, I will only recommend to all candid readers to view these passages in connection with the whole conversation of which they are a part.

Lord Clarendon admits that, in the course of the conversation, he exhibited a want of courtier-like

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address, mentioning Lady Castlemaine “with some
 “reflections and cautions which he might more
 “advisedly have declined. After two hours’ dis-
 “course, the King rose without saying any thing,
 “but appeared not well pleased with all that had
 “been said; and the Duke of York feared he was
 “offended with the last part of it.” *

The countenances of the King and the Chan-
 cellor, returning from the conference, was watched
 by many who were apprised of the meeting, and
 its import; and Lady Castlemaine rose hastily
 from her noontide bed, and ran out into her avi-
 ary, anxious to read, in the saddened air of her
 distinguished enemy, some presage of his fall. †

A short time ensued without any further pro-
 ceedings, and the eventual retirement of the Chan-
 cellor from office was, for a while, a subject of
 doubt. He had friends at court who pleaded his
 great and valuable qualities; to whom the King
 had this ready answer — that, notwithstanding
 those eminent abilities, which he fully admitted,
 Clarendon, being “odious to the Parliament, was

* Life of Clarendon, iii. 286—291.

† Life of Clarendon, iii. 291. Pepys, iii. 333, 334. Pepys is in-
 formed that “this busines of my Lord Chancellor’s was certainly de-
 signed in my Lady Castlemaine’s chamber; and that when he went
 from the King on Monday morning, she was in bed (though about
 twelve o’clock), and ran out in her smock into her aviary, looking
 into Whitehall garden, and thither her woman brought her her night-
 gown, and stood blessing herself at the old man’s going away; and
 several of the gallants of Whitehall (of which there were many stay-
 ing to see the Chancellor’s return) did talk to her in her birdcage;
 among others Blanford, telling her she was a bird of passage.” (iii.
 334.)

“no more capable to do him service.” The Duke of York attempted to intercede for the father of his wife; and, on the 27th, the King, by the admission of Arlington, was expected to be “prevailed with to change his mind;” and the “business,” said Anglesey, “seemed to cool.”* But powerful agents, Arlington and Sir William Coventry, laboured diligently on the other side †; and baser creatures, the mistress and the panders, Castlemaine and her crew, and Brouncker and May, exercised an undue influence on the facile nature of the King. They successfully appealed to the pride of his weakness, and to the obstinacy of his irresolution. The monarch, who was said to have asked forgiveness on his knees from the termagant Castlemaine, who “nearly hectored “him out of his wits,” would not be “hectored “out of” his purpose of dismissing from his counsels the oldest and ablest minister of the crown. The vacillating Charles must adhere to his intention, because, although it was not yet publicly avowed, he was thought to have “proceeded too “far to retire; and that he should be looked upon “as a child if he receded” now. These arguments soon prevailed; and on the 30th of August ‡

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* Vol. III. p. 468, 469.

† Life of Clarendon, iii. 291. Pepys, iii. 335. 338.

‡ The account of these transactions in the Life of James II. is meagre and inaccurate; stating that the Chancellor resigned the seals in consequence of the message brought to him by the Duke of York. (i. 429.) Clarendon's account is confirmed, in many particulars, by Pepys, and appears to be more than usually correct. Yet, even here, he gives an

CHAP. the King sent Morrice with a warrant, under the
 XVI. sign manual, to require and receive the Great Seal
 1667. from Clarendon, which was accordingly given up
 and brought to Charles; upon which Bab. May,
 embracing his knees, assured him that, for the first
 time, he was now a King.*

instance of the looseness and inaccuracy with which he habitually wrote. He says, "*Four or five* days passed without any further proceedings" (vol. iii. p. 291.); and this was *between* the 26th and the 30th! which dates he mentions in pages 286 and 294, but had evidently forgotten while describing the interval.

* Life of Clarendon, iii. 294. Pepys, iii. 321. 335. 338. 407.

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GREAT SEAL GIVEN TO SIR O. BRIDGMAN.—MEETING OF PARLIAMENT.—ADDRESS TO THE KING ON THE DISMISSAL OF CLARENDON.—PROCEEDINGS AGAINST CLARENDON IN THE HOUSE OF COMMONS.—HEADS OF ACCUSATION.—DEBATES.—IMPEACHMENT OF CLARENDON FOR HIGH TREASON.—THE LORDS DEMUR BECAUSE NO PARTICULAR TREASON IS SPECIFIED.—CONFERENCE.—THE LORDS REFUSE TO COMMIT ON THE GENERAL CHARGE.—ATTEMPTS TO INDUCE CLARENDON TO QUIT THE KINGDOM.—CLARENDON'S LETTER TO THE KING.—HE AT LENGTH CONSENTS TO WITHDRAW HIMSELF.—GOES TO FRANCE.—LEAVES A LETTER ADDRESSED TO THE LORDS.—BILL FOR BANISHING HIM.

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THE Great Seal, which was taken from Clarendon on the 30th of August, was, on the following day, given to Sir Orlando Bridgman, "with whom," said Arlington in a letter to Ormond, "the King says he will advise concerning his Lordship's successor."* Bridgman, however, remained long in possession of that office, of which he seems to have been originally intended to be merely the temporary holder. But this original doubt, which is here alleged, is an additional proof, that preference for another person, as holder of the Great Seal, formed no part of the motives by which the dismissal of Clarendon was determined. The first extant authentic statement of these motives was a letter, which, after a preparatory note from the Secretary

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* Vol. III. p. 470.

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of State, Charles addressed to the Duke of Ormond, one of the oldest and last surviving friends of Clarendon. "The truth is," said the King, "his behaviour and humour was grown so unsupportable to myself and to all the world else, that I could no longer endure it, and it was impossible for me to live with it, and do those things with the Parliament that must be done, or the Government will be lost." * This is the whole explanatory portion of his letter. An insupportable temper is the only fault alleged; and, in conformity with this accusation, the King at this time, in familiar talk, would mention Clarendon as "the insolent man," and complains that he would not let him speak at the council board †, — a complaint repeated by Sir W. Coventry, who, strongly as he was opposed to Clarendon, would not accuse him of "being unfaithful to the King." ‡

Clarendon's removal from office was not embittered by immediate desertion on the part of

* Ellis's Original Letters, second series, iv. 39.

† Pepys notices, in two instances, the conduct of the King at the council board immediately after his emancipation from the control of Clarendon. On September 4th he says, "All I observed there (at the council) is the silliness of the King, playing with his dog all the while, and not minding the business: and what he said was mighty weak." (iii. 350.) Again, on the 25th, after stating that there had been much discourse by Lords Anglesey and Ashley, Sir W. Coventry and Sir G. Carteret, Pepys adds, and "I could easily discern that they, none of them, understood the business; and the King at last ended it with saying, lazily, 'Why,' says he, 'after all this discourse, I now come to understand it; and that is, that there can nothing be done in this more than is possible (which was so silly as never I heard), and therefore,' says he, 'I would have these gentlemen do as much as possible to hasten the Treasurer's accounts; and that is all.'" (iii. 364.) If this may be accepted as an average specimen of the King's observations, Lord Clarendon showed only a laudable solicitude for the reputation of his royal master in not allowing him to speak much.

‡ Pepys, iii. 342. 351.

his former associates. “ Many persons of honour
 “ and quality came every day to visit him, with
 “ many expressions of affection and esteem ; and
 “ most of the King’s servants, except only those
 “ few who had declared themselves his enemies,
 “ still frequented his house with the same kindness
 “ they had always professed * : but they were
 “ looked upon quickly with a very ill countenance
 “ by the other party, and were plainly told, ‘ that
 “ ‘ the King would take it ill from all his servants
 “ ‘ who visited the Chancellor ;’ though, when
 “ some of them asked his Majesty, ‘ whether
 “ ‘ their visiting him, to whom they had been
 “ ‘ formerly much beholden, would offend his
 “ ‘ Majesty ;’ he answered, ‘ No ; he had not for-
 “ ‘ bid any man to visit him.’ Yet it appeared
 “ more every day, that they were best looked on

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* The noble author of the Vindication of Ashburnham against the supposed misrepresentations of Clarendon has charged the latter with ingratitude towards one who had generously visited him during his misfortunes. This argument rests entirely on the following passage in Evelyn’s Diary. “ Aug. 28. I din’d with my late Lord Chancellor, “ where also din’d Mr. Ashburnham, and Mr. W. Legge of the bed- “ chamber ; his lordship pretty well in heart, tho’ many of his friends “ and sycophants abandoned him.” (vol. ii. p. 294.) Evelyn’s Diary is very inaccurate ; but grant, for argument’s sake, that it is correct, and the reader’s impression of the disinterestedness of Ashburnham in venturing to partake, on the 28th of August, of the hospitalities of Clarendon House, will be, in some degree, shaken, when he remembers that “ my late Lord Chancellor,” as Evelyn calls him on that occasion, remained Lord Chancellor till the 30th ; that on the 28th he not only held the seals, but it was still thought probable that he would long continue to hold them : and if the reader will consult the more accurate Pepys, he will see that, on the 29th, Pepys finds “ at Sir G. Carteret’s, that “ they do mightily enjoy themselves, in the hopes of my Lord Chancel- “ lor’s getting over this trouble.” (Pepys, iii. 335.) But grant that Evelyn was inaccurate in his date, and that Lord Clarendon was at that time deprived of his office, Ashburnham’s acceptance of an invitation to dinner need not be considered to have conferred an obligation on one whose house was still frequented by “ most of the King’s servants, except only “ those few who had declared themselves his enemies.”

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“ who forebore going to him ; and the others found
 “ themselves upon much disadvantage ; by which,
 “ however, many were not discouraged.” *

But removal from office did not satisfy his enemies. They dreaded the chance of his return to power, and the influence which his great abilities might obtain for him in the House of Lords. A further blow was meditated. Parliamentary impeachment, from which it was pretended that Clarendon would be saved by removal from office, was the proposed engine of attack ; and materials for accusation began to be sedulously collected as soon as it was known that persecution of an old and faithful servant of the Crown, against whom no fault was alleged but a defective temper, would be acceptable to the ungrateful King.

Meeting of
Parliament.

The Parliament met on the 10th of October, and the King, in opening the session, alluded to the removal of Clarendon from office in the following laconic speech :—“ When we last met you,
 “ about eleven weeks ago, I thought fit to pro-
 “ rogue the Parliament to this day, resolving that
 “ there should be a session now ; and to give my-
 “ self time *to do some things I have since done,*
 “ *which I hope will not be unwelcome to you, but a*
 “ *foundation for a greater confidence between us*
 “ *for the future.* The other reasons of that pro-
 “ rogation, and some other matters with which I
 “ would acquaint you, I have commanded my Lord
 “ Keeper to declare unto you.” † The allusion suf-

* Life of Clarendon, iii. 295.

† Lords' Journals, Oct. 10. 1667. Clarendon's version of this speech is incorrect. (iii. 300.)

ficed to encourage the Commons in their career of persecution. In moving the address, Sir Thomas Tomkins proposed, that the King might be expressly thanked for having deprived the Chancellor of his office; and in spite of the warm opposition of many, among whom was Henry Coventry, the address, framed by a committee including many of Clarendon's enemies, was carried on the 14th. The address, after thanking the King for having disbanded the forces recently raised, for his care in quickening the execution of the act for restraining the importation of Irish cattle, and for causing the Canary patent to be surrendered—added, “and more especially, that your Majesty hath been pleased to displace the late Lord Chancellor, and remove him from the execution of public trust and employment in affairs of state.”*

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The Lords had already thanked the King for his speech, but without noticing the allusion to Lord Clarendon; and on being required to concur with the address of the Commons, they reasonably demurred at the absurdity of a second address, and the slur which they would thus cast upon their first by the adoption of another in different terms. The King appears to have behaved in a manner which betokened no improvement in constitutional notions under the sanction of his new advisers. He said, “it should go worse for “the Chancellor,” if his friends in the House of Lords opposed a concurrence with the address from the Commons, “and sent to the Archbishop of

* Commons' Journals, Oct. 14. Pepys, iii. 380.

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“ Canterbury that he should, in his Majesty’s name, command all the bishops’ bench to concur in it ; and if they should refuse it, he would make them repent it.”* Lord Clarendon also states, that, unable to induce the Duke of York to vote as he wished, he was “ contented to dispense with his attendance ;” but it does not appear by the evidence of the Journals, that the Duke availed himself of this permission. The Lords concurred with the address of the Commons ; and on its being presented on the 16th, the King returned the following answer : — “ My Lords and Gentlemen, I thank you for your thanks. I am glad the things I have done have given you so good satisfaction. And for the Earl of Clarendon, I assure you I will never employ him again in any public affairs whatsoever.”†

The King had thus publicly denounced Lord Clarendon — the man against whom he could allege nothing but defect of temper — the man whom Coventry, one of the foremost among Clarendon’s enemies, could not accuse of being “ unfaithful to the King.” He had denounced him as a delinquent, whose demerits must exclude him from the hope of being ever again employed in any public place of trust. To denounce him thus was to hold him up as a mark for public prosecution ; for justice must require a strict enquiry into the

* Life of Clarendon, iii. 302.

† Commons’ Journals, Oct. 16. Lords’ Journals, Oct. 26. The Lords were unwilling to enter this answer in their Journals, appointed a committee to search for precedents, and would not comply till the report of the committee had supported the motion for entry by adducing seven precedents.

conduct of that minister who could have so acted as to *deserve* a sentence of perpetual exclusion from the public service. The King had an undoubted right to select his own ministers; and he had, therefore, a right to form this resolution of perpetual exclusion, and to keep it unquestioned in his own breast. But he could not rightfully *proclaim* that one of his subjects was *unfit* to be employed, without sanctioning an enquiry into the supposed delinquencies which had caused a resolution so condemnatory.

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The parliamentary proceedings against Lord Clarendon were opened on the 26th of October by Edward Seymour, who afterwards filled successively the situations of Commissioner of the Admiralty, Treasurer of the Navy, and Speaker of the House of Commons; a man, according to Burnet and North, able, ambitious, and unprincipled*, and “supposed,” says the latter, “to decline no means that tended to his advancement.” This man, in his speech on this occasion, charged Clarendon with grave offences — that he had obtained money corruptly from Ireland, from the colonies, by preferments in the law and church, for the passing of charters, and from the Canary company — that he had endeavoured to persuade the king to dissolve the Parliament and govern by a standing army — and that he had said, that “four hundred country gentlemen were only fit to give money, and did not understand how an invasion was to be resisted.”†

Proceed-
ings against
Clarendon
in the
House of
Commons.

* Burnet, ii. 70. North's Lives, ii. 51.

† Life of Clarendon, iii. 306.

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Upon this arose a debate how the house should proceed. Some moved that he should be impeached forthwith; others, that witnesses should be first examined; and, after a long discussion, it was resolved, "That a committee be appointed to look into antient precedents of the method of the proceedings of this House in cases of impeachment for capital offences." *

On the 29th, Mr. Vaughan presented the report of the committee, and a long debate ensued respecting the proper course of proceeding. Sir Thomas Littleton recommended that they should prefer a general impeachment against him, without having previously examined witnesses, and without adducing any special charge; and he supported his advice by appealing for precedent to the cases of Strafford and Laud. John Vaughan, afterwards Chief Justice of the Common Pleas, maintained that there was ground enough to make Lord Clarendon answer to clear himself; proposed that they should choose a committee to reduce the accusation into heads; and, in anticipation of the objection that they should be proceeding without information given on oath, would answer — "What this house shall charge is of more authority than the oaths of ordinary witnesses. Peers, though not upon oath, are supposed to do right; so are we upon the reputation of our honesty and discretion."

* Parl. Hist. iv. 371. Commons' Journals, Oct. 26. Two committees were appointed on Oct. 17th; one to inquire into the "manner of the sale of Dunkirk, and whether any money was paid into the hands of any private person;" the other, "to inquire into the miscarriage of affairs in the late war."

Sir Heneage Finch, on the other hand, thus placed the question before the house: — “Consider how
 “you should proceed if it were out of Parliament,
 “and how the bringing it into the house alters it.
 “If it were out of Parliament, without doubt the
 “accusation should be proved beforehand,” and
 “the witnesses must be two.” “How then doth
 “the bringing it into Parliament alter the case?
 “If the Parliament set aside law in this case, we
 “should be happy to see law declaring what is the
 “power of parliaments. There is no precedent
 “produced which is singly of weight to guide you,
 “therefore, if you proceed, let it be as near as
 “possible by the good old laws; namely, that
 “there be an accusation founded upon an oath,
 “and the evidence kept secret.”* Vaughan, Sir
 Richard Temple, and Sir Thomas Clifford, after-
 wards a member of the Cabal ministry, objected to
 the examination of witnesses previous to impeach-
 ment; upon which Serjeant Maynard is reported
 to have said, — “No man can do what is just but
 “he must have what is true before him. When
 “life is concerned you ought to have a moral cer-
 “tainty of the thing, and every one be able to say
 “upon this proof, ‘In my conscience this man is
 “‘guilty.’ Common fame is no ground to accuse
 “a man where matter of fact is not clear: to say
 “an evil is done, and therefore this man hath done
 “it, is strange in morality, more in logic.”

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The result of this debate, in which the sentiments and arguments of the opponents of Cla-

* Parl. Hist. iv. 375.

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Charges
against
Clarendon.

rendon were strongly characterised by violence and unfairness, was a resolution “that it be referred to a committee to reduce into heads the accusations against the Earl of Clarendon;” and a committee was appointed of thirty members, many of whom were the known enemies of the ex-chancellor.*

The labours of this committee were reported to the House on the 6th of November, and the following seventeen heads of accusation were ordered to be read:—

“ I. That the Earl of Clarendon hath designed a standing army to be raised, and to govern the kingdom thereby; advised the King to dissolve this present Parliament; to lay aside all thoughts of Parliaments for the future; to govern by a military power; and to maintain the same by free quarter and contribution.

“ II. That he hath, in the hearing of many of his Majesty’s subjects, falsely and seditiously said, That the King was in his heart a Papist, popishly affected, or words to that effect.

“ III. That he hath received great sums of money for the passing the Canary patent, and other illegal patents; and granted illegal injunctions to stop proceedings at law against them, and other illegal patents formerly granted.

“ IV. That he hath advised and procured divers of his Majesty’s subjects to be imprisoned, against law, in remote islands, garrisons, and other places, thereby to prevent them from the benefit of the law, and to introduce precedents for imprisoning any other of his Majesty’s subjects in like manner.

“ V. That he hath corruptly sold several offices, contrary to law.

“ VI. That he procured his Majesty’s customs to be farmed at under rates, knowing the same; and great pretended debts to be paid by his Majesty, to the payment of which his Majesty was not in strictness bound; and hath received great sums of money for procuring the same.

“ VII. That he received great sums of money from the Company of Vintners, or some of them, or their agents, for enhancing the prices of wines; and for freeing of them from the payments of legal penalties which they had incurred.

* Parl. Hist. iv. 271—277. Commons’ Journals, Oct. 26. 1667.

“ VIII. That he hath, in short time, gained to himself a greater estate than can be imagined to be lawfully gained in so short a time; and, contrary to his oath, hath procured several grants, under the great seal, from his Majesty to himself, and his relations, of several of his Majesty’s lands, hereditaments, and leases, to the disprofit of his Majesty.

“ IX. That he introduced an arbitrary government in his Majesty’s plantations; and hath caused such as complained thereof before his Majesty and council to be long imprisoned for so doing.

“ X. That he did reject and frustrate a proposal and undertaking, approved by his Majesty, for the preservation of Nevis and St. Christopher’s, and reducing the French plantations to his Majesty’s obedience, after the commissions were drawn up for that purpose; which was the occasion of our great losses and damage in those parts.

“ XI. That he advised and effected the sale of Dunkirk to the French king, being part of his Majesty’s dominions, together with the ammunition, artillery, and all sorts of stores there; and for no greater value than the said ammunition, artillery, and stores were worth.

“ XII. That the said Earl did unduly cause his Majesty’s letters patent, under the great seal, to one Dr. Croucher to be altered, and the enrolment thereof to be unduly rased.

“ XIII. That he hath, in an arbitrary way, examined and drawn into question divers of his Majesty’s subjects, concerning their lands, tenements, goods and chattels, and properties; determined thereof at the council table; and stopped proceedings at law by order of the council table; and threatened some that pleaded the statutes of 17 Car. I.

“ XIV. That he hath caused *quo warrantos* to be issued out against most of the corporations of England, immediately after their charters were confirmed by act of parliament; to the intent he might receive great sums of money from them, for renewing their charters; which when they complied withal, he caused the said *quo warrantos* to be discharged, or prosecution thereupon to cease.

“ XV. That he procured the Bills of Settlement for Ireland, and received great sums of money for the same, in most corrupt and unlawful manner.

“ XVI. That he hath deluded and betrayed his Majesty, and the nation, in foreign treaties and negotiations relating to the late war; and discovered and betrayed his secret counsels to his enemies.

“ XVII. That he was a principal author of the fatal counsel of dividing the fleet, about June 1666.” *

* Parl. Hist. iv. 377—379. Arlington, writing to Ormond on the 5th of November, thus adverts to these charges:—“ My L^d of Clarendons accusation was digested last night by the Committee into 17 Articles,

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Seymour, and Sir Thomas Littleton, delivered violent speeches on presenting these articles to the house; and Lord Cornbury rose to say (his brother Lawrence having previously spoken to the same effect on the 26th of October), that if any one article in the charge be proved, his father would submit to be considered guilty of all the rest. The heads of accusation having been read, a debate arose whether they should be referred to a committee "to take the proofs." Many argued that common fame was not sufficient ground for proceeding in so serious a charge. But the opponents of Clarendon, fearing to expose the insufficiency of their evidence, objected to this course, assigning pretexts which strongly mark the weakness of their cause.

While the power of the court was arrayed against Clarendon, and the King was notoriously urging the ministers to join in oppressing him, his persecutors in Parliament scrupled not to speak as if his influence might still be feared. "Suppose," said Sir Robert Howard, as an argument against calling for witnesses, "men, for self-preservation, will not venture to come, not knowing how they may trust themselves." Mr. Seymour pretended to know that "many persons have been menaced

"w^{ch} will bee brought into y^e House tomorrow. It is much doubted whether y^e confident affirmation of the truth of them, or y^e proofs of some of them by witnesses, will bee insisted on before y^e House will read the Impeachments, and soe carry it up to the Lords; and next, whether, upon y^e despaire of both, y^e matter will bee left upon their handes. In y^e meane time, the Kings business standes, and noe measures can bee taken in it, w^{ch} is a perplexity I hope wee shall not long labour under." The original letter is in the Bodleian Library.

“ in case they gave evidence ;” and added, as intimating that money would be employed as well as menaces, that “ Lord Clarendon has reserved to “ himself the monopoly of bribes.”

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More impudently still did Sir R. Howard, and the apostate Waller, pretend to dread Lord Clarendon’s influence with the King, saying, “ If this “ man be not brought to his trial, it may force him “ to fly to that which he counselled, that is, that “ we may never have parliament more ;” and that “ the King might dissolve the Parliament before “ the impeachment.” The House divided, and the motion, that the heads of accusation be referred to a committee to take the proofs, was negatived by 194 to 128.” *

The articles of the charge were then discussed on that and four succeeding days. On the 8th of November, it was resolved that the House had “ sufficient inducement to impeach ” Lord Clarendon. On the same day, also, it was debated whether he should be impeached of treason on the first head of the accusation, which debate was resumed on the 9th, when the motion to impeach for treason on that head was negatived by 172 to 103. Foiled in this purpose, the enemies of Clarendon discussed *seriatim* the other articles, hoping to find some one on which they might ground the charge of treason—a charge essential to the full success of their plans of persecution. They had arrived at the 16th article without finding one which, if proved, would amount to treason ; and their

* Parl. Hist. iv. 377—382. Commons’ Journals, Nov. 6. 1667.

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project was evidently about to fail, when Lord Vaughan, the eldest son of the Earl of Carberry, rose and moved, that to the 16th article, charging him with having “deluded and betrayed his Majesty and the nation in foreign treaties and negotiations relating to the late war,” might be added these words, “*and discovered and betrayed his secret counsels to the enemy.*” He told the House, that this additional charge would be “made out by a person of honour;” but he would not give up the name of his informant; and the House would not even permit an attempt to learn whether the informant was a foreigner. The persecuting majority were too happy in having at length obtained a charge which might involve high treason to be disposed to sift it very narrowly. The words were added; the 16th article was read as amended; and the question, “that the Earl of Clarendon on this “head be impeached of treason,” was carried in the affirmative by 161 to 89. Thus, on an accusation unsubstantiated, and produced only at the eleventh hour, on failure of all other charges, by a person who afterwards confessed to Lord Dartmouth (an unwilling witness on behalf of Clarendon) “that he did not know any one thing against “Lord Clarendon, but knew he had so many enemies “that he could never want assistance to make good “what he said*,” did the Commons direct an impeachment of treason and other high crimes and misdemeanors to be carried up to the House of Lords. †

* Burnet, i. 441 *note*.

† Parl. Hist. iv. 383—386. Commons' Journals, Nov. 11. Life of Clarendon, iii. 317, 318.

On the 12th of November, Mr. Seymour preferred the foregoing impeachment in the name of the Commons of England at the bar of the House of Lords. The Lords immediately took the subject into consideration; and, "for the better debate thereof, the House was adjourned into a committee during pleasure." The question was debated on three successive days; and on the 14th, after the House had inspected precedents, "to see what hath been done upon general accusations from the House of Commons of treason, where no particular treason is specified,—as the precedents in the Earl of Bristol's case, 1 Caroli Primi, 1626, and the case of the Archbishop of Canterbury, 18th of December, 1640,—it was resolved, That they should communicate with the Commons, at a conference, on the morrow. That the House have not complied with the desires of the House of Commons concerning the commitment of the Earl of Clarendon, and sequestering him from Parliament, *because the House of Commons have only accused him of treason in general, and have not assigned or specified any particular treason.*"*

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Impeachment of
Clarendon.

The Commons supported their request by replying, that instances might be found wherein the Lords had committed to safe custody persons charged generally with high treason, though the particular treason had not been specified; that such commitment is legal; that if it were always necessary to allege special matter, accomplices

* Lords' Journals, November 12, 13, 14. 1667.

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would be enabled to escape; and that, if the Lords should insist upon the particular treason being assigned, they would always leave the Commons doubtful how particular they must make their charge in order to obtain the commitment of the person accused; and they offered for the consideration of the Lords the precedents of the impeachments of Strafford, Laud, the Lord-Keeper Finch, and Sir George Ratcliffe.* These reasons and precedents were deemed unsatisfactory by the Lords (with the exception of twenty-eight, who signed a protest), and the question was more fully debated, at a free conference, on the 28th.

The precedent which the Commons chiefly pressed was that of the impeachment of Strafford, the language of which had been closely followed in that presented against Clarendon, except that Pym promised articles "within a very few days," Seymour only "within a convenient time."† They maintained that the "end of the recent act of repeal was "to repeal the act of attainder, and the proceedings "relating thereunto; that the manner of impeachment and commitment, and other proceedings "thereupon, were still in force." They maintained, "that the latest and newest precedents were the "best;" and "distinguished the first year of the "Long Parliament, for gravity and wisdom, from

* Lords' Journals, Nov. 19.

† In Grey's Debates it is stated, that, "by a mistake, instead of the "Earl of Clarendon's impeachment, the Earl of Strafford's, which lay "on the table, was put into Mr. Seymour's hands, and he was obliged "to trust to his memory when he came to the Lords' bar; but he afterwards delivered a paper of the impeachment to the clerk."

“the rest, which was disorderly and unquiet.”
 And they concluded by asserting, “that the Lords
 “ought to commit upon every general impeach-
 “ment of the Commons for treason.”

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The Lords replied that the precedent of Strafford “was not allowable, being in an ill time, “and branded by an act of repeal, by which it “was clear this very Parliament intended it “should never be made use of; for besides that “the act of attainder recites the very impeach- “ment particularly, and other proceedings there- “upon, and stands absolutely and totally repealed, “which is enough to condemn the whole, yet “they were so careful that this precedent, which “led on the other three, should never rise in “judgment again, that they further enacted, in “express words, ‘That all records and proceed- “ings of Parliament relating to the said at- “tainder be wholly cancelled, and taken off the “file, or otherwise defaced and obliterated, to “the intent that the same may not be visible in “after ages, or brought into example to the pre- “judice of any person whatsoever;’ in which “general words every circumstance and passage “of that precedent must needs be included, none “being excepted, so that this left the course of “Parliament for accusations and trials for treasons “as it was before.” They “denied the newest pre- “cedent to be the best.” They stated that, if they ought always to commit upon impeachment by the Commons, “they seem rather to be executors of “process or orders than judges, which ever implies

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“ a power to consider, and do as they shall be
“ satisfied in judgment.” They cited the case of
De la Pole, Duke of Suffolk, in the 21st year of
the reign of Henry VI., as an instance wherein
the Lords refused to commit in the absence of a
special charge.* They urged that, though the
present House of Commons was excellently com-
posed, “ yet in admitting this claim of theirs just
“ or warrantable, if ever there should be a House
“ of Commons ill disposed or engaged in faction,
“ they might make dangerous inroads upon the
“ justice and ancient government of the kingdom,
“ terrify and discompose the highest jurisdiction,
“ and invade that freedom which ought to be in
“ Parliament, and, indeed, bring the House of
“ Lords to as small a number as they please to
“ leave unaccused.” They said, that “ the prac-
“ tices of all judges and justices in favour of
“ liberty, and to prevent oppression, is to examine
“ upon oath the particular crimes before commit-
“ ment, that the ground may appear to them for
“ commitment; much more,” say they, “ should
“ the Parliament be careful herein, who give ex-

* “ In the parliament which met at Westminster on the 22d of January, 1451, came on the trial of the Duke of Suffolk, on several articles of high treason, which, because he said that he could not avoid, he moved for himself.” “ Jan. 26. The Commons came before the Lords, and required that the Duke, on his confession, might be committed to safe custody; but the lords and judges, upon consultation, thought *there was no good cause for it, unless some especial matter was objected against him.*” “ Jan. 28. The Speaker came again, and declared ‘ that the Duke of Suffolk, as it was said, had sold this realm to the French, who had prepared to come hither; and that the said Duke, for his own defence, had furnished the castle of Wallingford with all warlike ammunition,’ whereupon, at the Speaker’s request, the said Duke was committed to the Tower of London.”—State Trials, i. 271.

“ ample and precedents of justice to all other
 “ courts ;” and they ask, “ the Petition of Right
 “ having concluded, that no man ought to be im-
 “ prisoned or detained without being first charged
 “ with something to which they might make an-
 “ swer, according to law, how will it stand with
 “ that to commit upon generals, to which no man
 “ can make answer or defend himself ?” *

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The result of this conference was a determination on the part of the Lords to adhere to their former resolution, and send a message to the Commons to that effect. A long and warm debate ensued in the House of Commons upon the receipt of this message. † “ The debate,” says Lord Anglesey, in a letter to Ormond, “ was ushered in by the Duke of Albemarle’s son, a youth of fourteen or fifteen, and chiefly carried on by old Mr. Vaughan. Great heats and free language was in the House.” † The House resolved, “ That the Lords having not complied with the desires of the Commons for the commitment of the Earl of Clarendon, and sequestering him from Parliament, upon the impeachment from that House, *is an obstruction to the public justice of the kingdom, and a precedent of evil and dangerous consequences.*” ‡

* Lords’ Journals, Nov. 29. Parl. Hist. iv. 388—390.

† Vol. III. 477.

‡ Commons’ Journals, Dec. 2. Parl. Hist. iv. 393. The Lords, in their opposition to the Commons on this question, “ showed,” says Mr. Hallam, “ a very commendable regard to the liberty of the subject ; and from this time we do not find the vague and unintelligible accusations, whether of treason or misdemeanour, so usual in former proceedings of parliament.” (Constitutional Hist. ii. 505. note.)

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The persecution of Clarendon by the Commons had thus grown into a serious contest between the two Houses; and the importance of the impeachment was almost lost in that of the collision which it created. "It is much to be feared," said Broderick, in a letter to Ormond, "all future intercourse between them will stop. The consequence none can foresee." "A worse posture of affairs this government doth not admit, his Majesty wanting a considerable sum for the payment of the navy, and other debts; the people full of complaint for their late miscarriages; our neighbours arming, and we exposed to all kinds of hazards from abroad and at home." *

Clarendon is advised to quit the kingdom.

Under these difficulties, there was only one obvious and certain remedy, involving no compromise on the part of either House,—namely, the withdrawal of the object of contention. Before the contest had actually begun, the friends of Clarendon, foreseeing what would probably ensue, had advised him to quit the kingdom. They tried to influence him by reports of danger,—of the active malice of his enemies,—of the countenance which his persecutors received from the King,—that Albemarle had become his foe,—and "that there were secret consultations of sending a guard of soldiers," by Albemarle's authority, to take him "out of his house, and to send him to the Tower, whither directions were already sent what lodging he should have, and caution

* Broderick to Ormond, Nov. 30, 1667, Vol. III. 474.

“ given to the Lieutenant of the Tower, who was
 “ thought to have too much respect for the
 “ Chancellor, that he should not treat him with
 “ more civility than he did other prisoners.”

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They told him that his enemies had no thought of bringing him to trial, but “ meant to keep him “ always in prison ;” and, when these arguments failed, some of them added that “ his withdrawing would be grateful to the King.”

Clarendon still refused to follow their advice, urging, in reply, that his flight would be interpreted as a confession of guilt, and would give advantage to his enemies, and bring dishonour upon himself. It appeared to him, however, that such an act would not be attended with consequences thus injurious to his reputation if it received the sanction of the King. With a view to obtain this sanction, he addressed to the King, on the 16th of November, a letter, which can scarcely be regarded by the most partial advocate as either politic or high-minded. He imputed the King's displeasure to a belief in his interference (which he strongly denied) in projecting the marriage of the Duke of Richmond to Miss Stewart, — a cause of displeasure so disgraceful, that he could not expect it to be acknowledged ; and to impute it was almost an insult, even to one of Charles's character. Then, after expressions couched too much in a spirit of humility and adulation, he added, “ I do most humbly beseech your Majesty, by the “ memory of your father, who recommended me “ to you with some testimony, and by your own

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“gracious reflection upon some one service I may have performed in my life, that hath been acceptable to you, that you will by your royal power and interposition put a stop to this severe prosecution against me; and that my concernment may give no longer interruption to the great affairs of the kingdom; but that I may spend the small remainder of my life, which cannot hold long, in some parts beyond the seas, never to return.” The Lord Keeper Bridgman delivered this letter from Lord Clarendon to the King; who, as soon as he had read it, burned it in the flame of a candle, and merely said, “there was somewhat in it that he did not understand; but he wondered Lord Clarendon did not withdraw himself.”* The indirect sanction thus coldly and insultingly given, which was communicated to Clarendon by the Lord Keeper, was not sufficient to induce him to depart. Shortly afterwards, he received a visit from the Bishop of Hereford, who, without avowing that he was expressly sent thither by the King, intimated, as though by authority, that, if Lord Clarendon would quit the kingdom, to prevent the mischief which must arise from the difference between the two Houses, the Bishop “would undertake, upon his salvation,” that he should not be interrupted in his journey, nor be afterwards prosecuted, or suffer, during his absence, in honour or in fortune. Clarendon refused to be satisfied without written evidence of the

* Life of Clarendon, iii. 321—326.

king's wishes ; and, lest his enemies should seize him in the course of his departure, and treat him as a fugitive from the hands of justice, he required that he might have a pass from the King, which he would produce only in such an emergency. "The next day the Bishop sent word that the King could not grant the pass," because such favour, if known, would incense the Parliament ; "but that he might as securely go as if he had it." This intimation, and the friendly solicitations of the French ambassador, Ruvigni, (who gave him assurances of kind treatment in France, in case he chose to retire thither,) were still ineffectual as inducements to withdraw.*

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Meanwhile the contention between the two Houses had assumed a more stubborn character ; and it began to be surmised that, as a solution of the present difficulty, the Parliament would be prorogued, and the enemies of Clarendon would obtain that he should be tried by a commission of twenty-four peers, among whom a majority hostile to him could easily be introduced by the influence of the King and his present advisers.† The prospect of trial before a tribunal in which innocence would avail him nothing had, perhaps, some influence upon Clarendon : but the cause of his final determination, and his consequent proceedings, are thus related by himself. The Duke of York, who had been ill of the smallpox, was at length so far recovered, "that the King, being assured by the

* Life of Clarendon, iii. 327—332.

† Carte, ii. 355. Appendix, 39.

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“ physicians that there would be no danger of
 “ infection, went on Saturday morning, the 29th
 “ of November, to visit him; and, being alone
 “ together, his Majesty bade him ‘ advise the
 “ ‘ Chancellor to be gone;’ and blamed him that
 “ he had not given credit to what the Bishop of
 “ Hereford had said to him. The King had no
 “ sooner left the Duke, but his Highness sent for
 “ the Bishop of Winchester, and bade him tell the
 “ Chancellor, from him, ‘ that it was absolutely
 “ ‘ necessary for him to be gone; and that he had
 “ ‘ the King’s word for all that had been under-
 “ ‘ taken by the Bishop of Hereford.’ As soon as
 “ the Chancellor received this advice and com-
 “ mand, he resolved, with great reluctancy, to
 “ obey, and to be gone that very night; and
 “ having, by the friendship of Sir John Wolsten-
 “ holme, caused the farmers’ boat to wait for him
 “ at Erith, as soon as it was dark he took coach
 “ at his house, Saturday night, the 29th of No-
 “ vember, 1667, with two servants only; and,
 “ being accompanied with his two sons, and two
 “ or three other friends on horseback, as far as
 “ Erith, he found the boat ready; and so em-
 “ barked about eleven of the clock at night, the
 “ wind indifferently good; but before midnight
 “ it changed, and carried him back almost as far
 “ as he had advanced; and in this perplexity he
 “ remained three days and nights, before he ar-
 “ rived at Calais.” *

* Life of James I., 431. Burnet, i. 443, 444. Pepys, iii. 427, 428, 429. Evelyn, assigning a wrong date, thus describes his last visit to

In taking this step, so injurious in its tendency to the reputation of Clarendon, and which he admits "at that time made a greater impression upon many worthy persons to his disadvantage than any particular that was contained in the charge that had been offered to the House," he endeavoured to mitigate its ill effects by leaving behind him a written vindication, addressed to the Lords, which, on the 3d of December, was delivered by Lord Cornbury to the Earl of Denbigh, and by him presented to the House, which directed it to be read, and entered on the Journals.* In this address he first adverts to the assertion which had proved most injurious to him,—that he was unduly possessed of a great estate; and that he was sole manager of all state affairs since the Restoration, and must be held responsible for all misfortunes. In reply to the former of these assertions, he said he never received any thing but what was generally understood to be the just and lawful perquisites of his office, as sanctioned by the examples of Lords Coventry and Ellesmere; that all the courtesies and favours he had been

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Clarendon's written address to the Lords.

Lord Clarendon:—"I found him in his garden at his new-built palace, sitting in his gout wheele chayre, and seeing the gates setting up towards the north and the fields. He looked and spoke very disconsolately. After some while deploring his condition to me, I tooke my leave. Next morning I heard he was gon; tho I am persuaded that, had he gon sooner, tho but to Cornbury, and there lain quiet, it would have satisfied the Parliament. That which exasperated them was his presuming to stay and contest the accusation so long as it was possible; and they were on the point of sending him to the Tower." Evelyn, ii. 299, 300.

* Lords' Journals, Dec. 3. 1667.

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able to obtain from the King for others had never gained to him five pounds; that the certain profits of his office did not amount to above 2000*l.* a year; and that the perquisites were inconsiderable, and very uncertain. That his estate, after paying his debts, which amounted to about 24,000*l.**, would not yield 2000*l.* per annum; that he was so far from having money, that, from the time the seals were taken from him, he had lived upon the produce of his plate, all his rents being withholden; that he had received from the King, at one time 20,000*l.*, at another a sum of money “ amounting “ to 6000*l.*, or thereabouts, out of Ireland, which “ ought to have amounted to a much greater pro- “ portion;” and also certain grants of land; all which together was of more value than what he was now worth amounted to, so far was he from advancing his estate by any indirect means. Adverting to the assertion that he was to be held responsible, as sole director of public affairs, he mentioned, as a notorious fact, that his credit had been much diminished since Nicholas was succeeded by Bennet; that of those who had been since preferred to office, many were known to be hostile, and very few to be friendly to him; that he was notoriously opposed to the war with Holland, the first source of present calamities, and had declared the evil that would be incurred by prematurely entering into it, before any alliance with neighbouring powers; that he gave no advice in

* This was considerably understated, as appears by the Schedule in the Third Volume.

the management of the war, except in opposing some unreasonable propositions, such “as the “payment of the seamen by tickets;” that with regard to negotiations with foreign powers, he never gave advice in private, nor sent any letter but such as had been read in council, or by the King and some others; that, far from being the sole manager of affairs, he had not, during the whole last year, been above twice with the King alone, and very seldom in the three years preceding; and, he added, “since the Parliament at “Oxford, it hath been very visible that my credit “hath been very little, and that very few things “have been hearkened to which have been proposed by me, but contradicted *eo nomine*, because proposed by me.” He solemnly denied that he had ever, “upon all the treaties or otherwise, received the value of one shilling from all “the kings and princes in the world, except the “books of the Louvre print, sent him by the “Chancellor of France, by that King’s direction.” He tells them that he should not have had so many enemies if, in the discharge of his duty, he had not been obliged to oppose many pretensions, and refuse to set the seal to many grants; and he concluded his address in the following terms:— “This being my present condition, I do most “humbly beseech your Lordships to retain a favourable opinion of me, and to believe me to be “innocent from those foul aspersions, until the “contrary shall be proved, which, I am sure, can “never be by any man worthy to be believed.

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“ And, since the distemper of the time, and the
 “ difference between the two Houses in the pre-
 “ sent debate, with the power and malice of my
 “ enemies, who give out that I shall prevail with
 “ his Majesty to prorogue or dissolve this Parlia-
 “ ment in displeasure, and threaten to expose me
 “ to the rage and fury of the people, may make me
 “ looked upon as the cause which obstructs the
 “ King’s service, and the unity and peace of the
 “ kingdom; I must humbly beseech your Lord-
 “ ships, that I may not forfeit your Lordships’
 “ favour and protection, by withdrawing myself
 “ from so powerful a persecution, in hopes I may
 “ be able, by such withdrawing, hereafter to ap-
 “ pear, and make my defence, when his Majesty’s
 “ justice, to which I shall always submit, may not
 “ be obstructed nor controlled by the power and
 “ malice of those who have sworn my destruc-
 “ tion.”*

This paper had no other immediate effect than to exasperate still more the opponents of Clarendon, and to produce eventually some agreement between the conflicting Houses of Parliament. † Arlington, on whom it threw back a large share of the responsibility for past mischances, which his party had endeavoured to fasten upon Clarendon, spoke vehemently against it in the House of Lords, saying that “ it was a libel,” and that there was “ not a word of truth in it.” ‡ The Lords, through the influence of Buckingham, communicated it to

* Life of Clarendon, iii. 346.

† Pepys, iii. 427.

‡ Anglesey to Ormond, Vol. III. 477.

the Commons as “a scandalous and *sedition* paper.” The Commons resolved that it should be burned by the hangman; and the Lords concurred with them in that act of impotent vengeance,—that childish substitute for refutation, not uncommon in that century, and tacitly exploded by the better sense of succeeding times.*

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The withdrawal of Clarendon put an end to the stubborn contest between the Houses on the subject of commitment; and the Commons were contented with recording their resolution, “That, when any subject shall be impeached of high treason generally by the House of Commons before the Lords in Parliament, and decreed to be forthwith secured, such person impeached ought, for the safety of the King and kingdom, to be accordingly secured;” and they added this important and essential adjunct,—that, for avoiding delay in justice, “when such person shall be secured, the Lords may limit a convenient time to bring his particular charge before them.”†

But the vengeance of the Parliament was not satiated; and the reconciliation of the two Houses must be solemnised by a further concurrence in persecution. A bill for banishing and disabling Lord Clarendon was passed by the Lords on the 12th of December, and by the Commons on the 18th.‡ By this bill, unless he returned and sur-

Bill of banishment.

* Commons' Journals, Dec. 4, 5, 10. Lords' Journals, Dec. 4, 6, 9.

† Commons' Journals, Dec. 5, 1667.

‡ Lords' Journals. Commons' Journals.

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rendered himself before the 1st of February, he was to be banished for life; disabled from ever again holding any office; subjected, if he afterwards returned to England, to the penalties of high treason; and rendered incapable of pardon without the consent of the two Houses of Parliament. It did not pass without opposition; and the third reading in the Commons was carried only by 65 to 42.*

Nor did the measure pass the the Upper House without protests from Lords Strafford, Berkeley, Hollis, Lexington, and Colepepper; the former of whom, in a separate protest, stated that it seemed unjust to punish Lord Clarendon for only withdrawing himself, no legal charge being brought, no detention of his person being appointed; and that the bill appeared to encroach on the royal prerogative, in taking from the King the power to pardon. †

It was the evident object of the promoters of this harsh and unjust measure to punish Clarendon without a trial, and to preclude all chance of his return to power by preventing his return to England. They debarred him from the possible ad-

* Mr. Swinfen spoke against it, saying, "The Lords will neither secure nor summon him, but will condemn him unheard; and this they put you upon, which is against honour and justice, especially to do it upon reason of state." "If reason of state be a motive of Parliament to banish one man, so it may be for many." "The party is gone, apprehending, he says, the fear of the multitude, not of his trial; so, the Lords not giving credit to your charge against him, he says he flies not from justice. Now, if upon this bill you should banish him, it would be said you could not make good your charge, and therefore laid this sentence upon him. The precedent is also dangerous, if having gone so far in a judicial way, you should now go in a legislative." (Parl. Hist. iv. 399.)

† Lords' Journals, Dec. 12.

vantage of any compunctious visitings which might subsequently influence the fickle King. It is true they summoned him to appear to take his trial before a specified day; but they named a day (the 1st of February) so near at hand, that Lord Clarendon, a wanderer on the Continent, without the means of obtaining early intelligence, and unfit, through illness, to travel rapidly, might probably be unable to obey it: and with what motive an early day was thus fixed is sufficiently apparent by the rejection of a proposition that the time should be extended to the tenth of that month.*

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It does not appear to me that these harsh proceedings, which were equivalent to outlawry, are susceptible of vindication by any supposed analogy to that process. It is true that, in an ordinary criminal suit, a process of outlawry goes against the accused who flies from justice; and his neglect to appear within a given time is equivalent, in cases of treason or felony, to a conviction of the offence.† But, in the first place, Clarendon could not strictly be regarded as one who fled from justice, for he promised to appear and make his defence in that written address which constituted the sole evidence of his departure, on which the Parliament founded their proceedings; and, at the time of his departure, there was no legal writ or process issued, which could authorise his detention. The steps by which outlawry is preceded bear

* Lords' and Commons' Journals, Dec. 18. 1667.

† Hallam's Const. Hist. ii. 504. I am compelled to dissent, and, as before, with diffidence and reluctance, from the opinions expressed on this subject in that very able work.

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little resemblance to the preliminary proceedings of the Parliament, or to the indecent haste with which, immediately on being apprised of Lord Clarendon's departure, and long before he could be summoned to appear, the House of Lords proceeded to condemn him without a trial. In an ordinary criminal suit, an indictment must first be preferred against the accused by a grand jury. If the indictment is for a misdemeanor, the party is first summoned to appear by a writ of *venire facias*: if the party has lands, his appearance is enforced by a *distress infinite*; if he has no lands, a writ of *capias* is issued for his apprehension; and this is done *three* times in misdemeanors, though only once in treason or felony; in which cases also the writ of *capias* is not preceded by the other processes. "But, if he absconds, and it is thought proper to pursue him to an outlawry, then *a greater exactness is necessary*;" "for in such a case, after the several writs have issued in a regular number, according to the nature of the respective crimes, without any effect," the accused shall be proclaimed and required to surrender at *five* county courts; and, if he does not appear at the fifth requisition, *then* he is adjudged to be outlawed.* Mark with what care, by the law of the land, the accused is guarded from suffering prematurely and undeservedly the consequences of his absence: and mark, next, how strongly contrasted with such case was the intem-

* Blackstone, iv, 318.

perate haste with which the House of Lords condemned the man against whom no charge had been preferred which could, in their opinion, justify his detention.

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By the spirit of our law, as well as by the rules of reason, the burthen of proof rests with the accuser; and, if the duty of a biographer were nothing more than that of an advocate, I might rely upon the fact that, of the charges brought against Lord Clarendon, not one has been substantiated.* But the investigation of character is not to be fettered by the strict rules of a criminal procedure: instead, therefore, of claiming acquittal in the absence of proof, and triumphantly proclaiming him "Not guilty," we are bound to consider the presumption of culpability, and, regardless of the legal maxim, that no man shall be bound to criminate himself, examine the validity of that "Vindication" which he drew up in the following year.

Clarendon's vindication of himself examined.

Of the charges against him, the 1st, 11th, and 17th, namely, — "that he designed to govern by a standing army, advising the King to dissolve the Parliament, to lay aside all thoughts of Parliaments for the future, to govern by military power, and maintain the same by free quarter;"

* "What is laid before you," said Coleman, a member, in his place in Parliament, after the charges had been discussed, "is only by hearsay, but no assurance that it will be made good; only that, if they who reported it do not make it good, you shall know who they are." "Those who have given you inducements to proceed," said Sir Robert Atkins, "do it at third hand; and, though they may know the credit and impartiality of those who told them, yet *you do not*." (State Trials, vi. 341.)

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“ — that he advised and effected the sale of Dun-
“ kirk ;” — and “ that he was the principal author
“ of that fatal counsel of dividing the fleet, about
“ June, 1666 ;” have been adverted to and dis-
cussed in previous parts of this work. The 2d and
12th are too frivolous to demand notice ; but the
nature of his replies to some of the others will
deserve attention.

He discusses at length the accusation, that he
had received money for passing the Canary pa-
tent, and granted injunctions to stop proceedings
at law against the patentees. The patent was
one whereby, in 1665, a company, called the
Canary Company, was constituted, consisting of
sixty selected persons, of such others as had
traded to the Canaries, within seven years past, to
the value of 1000*l.* yearly, and of a few others
who were admitted on other terms ; granting to
them the right of trading with these islands, and
constituting them a corporate body, under a go-
vernor, deputy-governor, and assistants, who were
empowered to make by-laws. The preamble of
the charter, exhibiting an ignorance of the prin-
ciples of political economy then almost universal,
set forth, that “ the trade to the Canary Isles was
“ formerly of greater advantage to the King’s sub-
“ jects than at this time ;” for that, “ by reason of
“ the too much access and trading thither, our
“ merchandise was decreased in its value, and the
“ Canary wines, on the other hand, were increased
“ to double their former value ; so that the King’s
“ subjects were forced to carry silver and bullion

“ thither to get wines ;” all which, it was averred,
 “ was owing to want of regulation in trade.”

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Clarendon asserts, in defence of the grant of this charter, that it was granted in compliance with a petition to the King in council, from numerous merchants trading to the Canaries ; that the petition was five weeks under consideration, during which time it was not opposed even by those merchants who had not concurred, and whose presence before the council was required ; and that the farmers of the customs, to whom the proposal was referred, reported in its favour. “ Many months,” says Clarendon, “ passed before the charter was drawn ; in which time I never heard of the least new objection made against it, or that any man was unsatisfied with it. After it was engrossed and passed the King’s hand, it was brought to the Great Seal ; and then the Lord Mayor of London and the Court of Aldermen had entered a caveat, and I appointed a day to hear parties.” The parties were heard, and eventually satisfied by the insertion of a favourable clause. Several other caveats were entered against it, “ all which,” says Clarendon, “ I heard, and settled, every one of them to their joint satisfaction. I heard then that there would be some motions for stopping it in the House of Commons ; and some parliament-men, who served for some of the western boroughs, came to me, and desired me that I would not fix the seal to it till they should be heard, since it would undo their western trade ; and told me

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“ they resolved to move the House of Commons
 “ to put a stop to it. I informed them of the
 “ whole progress it had had, and told them I
 “ believed that they would hardly be able to offer
 “ any good reasons against it. However, since it
 “ was known that the parliament would be pro-
 “ rogued within ten or twelve days, I would sus-
 “ pend the sealing the charter whilst the House
 “ sat, to the end that they might make any objec-
 “ tions against it, if they thought fit. But the
 “ Parliament rose shortly after, without further
 “ taking notice of it; nor did these parliament-men,
 “ or any others, further solicit me against the
 “ passing of it; and so I affixed the Great Seal to
 “ it, according to my duty.”

The company chose their governor and officers, and made by-laws for the management of their trade. These by-laws caused dissatisfaction; and some merchants petitioned against the charter, “ whereof,” says Clarendon, “ there were some who were the first petitioners for it.” “ These petitioners,” he adds, “ confessed that they could not complain of the charter; that it was a just and necessary charter; that their complaint was only against their constitutions and by-laws, and their severe prosecution of them contrary to the intention of the charter itself.” The governor of the company was bidden to reply, “ which he did very much at large, making it clearly appear that they had, in truth, little cause of complaint.” The King mediated between the parties, persuading the governor to give

them such satisfaction, “ that, before they retired
 “ from his Majesty’s presence, they were unani-
 “ mously agreed upon all these pretences :” and, he
 adds, “ it is to be observed that, the Parliament
 “ being then assembled at Oxford, there was not
 “ the least complaint against that charter.”

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Clarendon confesses that, being satisfied of the
 “ justice ” and “ integrity ” of the charter, and
 even of its “ necessity in reason of state,” he did,
 “ it may be, appear more solicitous and warm for
 “ the dispatch than other men ;” and “ yet,” he
 adds, “ I never remember a fuller concurrence in
 “ the whole board than in this advice ; nor did
 “ my inclination towards it proceed from any
 “ other motive than that of the public good, with-
 “ out the least temptation to, or imagination of,
 “ any profit or advantage to myself ;” “ and the
 “ delays I used in the passing this charter after it
 “ came to be sealed, and my giving time for the
 “ weighing all objections, and so much opposing
 “ the company with reference to their being made
 “ freemen of the city that they departed from me
 “ with a resolution to prosecute the charter no
 “ farther, are no signs that I had such a mind to
 “ please them as a man would have who was cor-
 “ rupted by them, or who was to have a share in
 “ the profit of the patent. For the granting any
 “ injunctions in chancery to stop proceedings at
 “ law against that or any other charter, I cannot
 “ comprehend the meaning of that charge ; and
 “ do presume that I have never granted any in-
 “ junctions in that court, but what was agree-

CHAP. "able to the course and justice of it, and I am
 XVII. "sure was always done in public and open debate
 1667. "in the court."

On referring to the evidence of the Council Register, it appears that Clarendon was inaccurate in some of the preceding statements. The Canary merchants petitioned for incorporation in March, 1664, and it is true that their petition was referred to the farmers of the customs; but it is not true that the latter reported in its favour. They dissented from the prayer of the petitioners, both in April, 1664, and in the following October; on the 28th of which month, at a council attended by the King, the Duke of York, Lord Clarendon, and fourteen others (among whom were Albemarle, Ashley, Arlington, and Morrice), "upon serious and deliberate consideration of the petitioners' proposals, and the said farmers' answers and replies, and of whatsoever arguments or reasons were offered on all sides for the effecting his Majesty's gracious intentions in reducing the prices of the wines of the Canary Islands at a lower rate, and for the advancement and better regulating of trade for the public good, it was ordered, that the Solicitor-General do forthwith prepare a draft of a bill to pass his Majesty's signature for granting his letters patent, under the Great Seal of England, for incorporating the said merchants trading to the Canaries, and to prohibit all others." * It may be very true, as Clarendon

* Council Register.

states, that many months passed before the charter was drawn, for it was not till April 14. 1665, that the Solicitor-General was ordered to draw up a proclamation for publishing the charter; but the subsequent petition against the charter, and the hearing of the petitioners and the governor of the company before the council, did not take place when, as Clarendon asserts, the Parliament was assembled at Oxford, but at a council held at Worcester House, at which were present the King, Clarendon, and seventeen others (comprising Rupert, Albemarle, Carbery, Arlington, Ashley, and W. Coventry), on the 23d of March, 1666, when no Parliament was sitting.*

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Lord Clarendon, in answer to the 4th charge, that he had advised and procured divers of his Majesty's subjects to be imprisoned, against law, remote islands, garrisons, and other places, objects its being so general, and that no particular person is named; and he adds, "it is generally known that I have never taken upon me to commit any man to prison but such who, by course of the chancery, for matters of contempt are justly committed. It is probable that I have been present at the council-board when many persons have been ordered to be committed, and whose commitment hath, by the wisdom of that board, been thought just and necessary; and therefore I am not to answer apart

* The Parliament had been prorogued from October 31. 1665, to April 23. 1666.

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“ for any thing done by them : only I may say, I
 “ was frequently of opinion that the commitments
 “ were very just and very necessary.” He adds,
 “ I well remember that it was thought fit that
 “ most of the persons who stand attainted for the
 “ murder of the late King should be removed out
 “ of the Tower, and dispersed into several islands
 “ and garrisons ; and if any other persons have
 “ been likewise sent thither, I presume it was
 “ upon such reason as, upon a due examination
 “ thereof, will make it be thought very just.”
 This admission of the fact, without the expres-
 sion of a doubt as to the legality of the prac-
 tice, marks the difference of the standard by
 which we must estimate proceedings which are
 at variance with principles now deemed funda-
 mental. If Clarendon is tried by the standard of
 his own times, it will be found that no case is
 proved against him, wherein either the commit-
 ment was manifestly illegal, or the detention of
 the persons imprisoned was such as the defective
 security then afforded by the law of *habeas corpus*
 and the practice of the courts did not fully admit,
 and continue to admit, for ten years afterwards. The
 legality of commitment by the privy council, or by
 the King’s special warrant, was not then impugned ;
 and imprisonment in gaols beyond the seas was
 not prevented by law till the passing of the *habeas*
corpus act, in 1679.

It has not been shown that sufficient cause did
 not exist for the detention of Wildman, Bremen,
 Creed, Nevill, Harrington, and others suspected

of participation in plots against the state ; or that their commitment and detention is chargeable principally on Lord Clarendon. Colonel Hutchinson, deservedly an object of commiseration, appears to have been the victim, not of Clarendon, but of Clarendon's enemies, Buckingham and Arlington*, who, on the Lord Chancellor's expulsion from office, set several persons at liberty, partly that the odium of their imprisonment might fall on him, partly because, war having ceased, it was no longer so dangerous for suspected agitators to be at large.†

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To the 5th charge, "that he had corruptly sold several offices, contrary to law," he answers, laconically, "This charge I utterly deny." As the sale of certain offices was at that time sanctioned by custom, and deemed legal, it is probable that this denial applied, not to his having sold offices, but to his having sold them "contrary to law."

He replies at some length to the 6th charge, namely that he had corruptly caused the customs to be let at under rates, and pretended debts to be paid by the Crown. What this charge means, Lord Clarendon says he cannot imagine, "except it relates to the payment of a debt due from his late Majesty to some of the farmers;" and, after observing that for what was done in that case he was not more responsible than the King's other

* Memoirs of Hutchinson, ii. 308. 317. 321. 329. *et seq.*

† Council Register, Sept. 1667.

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ministers, he recapitulates the circumstances. After the Restoration, four persons, who had been farmers of the customs before the troubles, and had advanced money to Charles I., and had suffered grievously in their fortunes, through their attachment to the King's cause, "applied themselves to the King, having lain several years, and then remaining, in execution in some prison, and having had their estates sold, upon the prosecution of their creditors, to whom they were bound for monies lent to his Majesty." These and two others, "who had served his Majesty very well," were appointed commissioners for collecting the customs, "in which collection they continued for above a year, or thereabouts, during which time many of their creditors, who had generously forbore to prosecute them while they were in prison and undone, began now to commence their actions against them, presuming that they were then, or would shortly be, able to satisfy them. Whereupon," said Clarendon, "his Majesty commanded my Lord Treasurer and me, and some other lords, to send for these creditors, and to declare to them that his Majesty would, in a short time, enable his farmers to pay their just debts, which he well knew were contracted for his service." The creditors acceded to the request. It was soon afterwards decided that the customs should be let; and the Lord Treasurer was instructed to receive overtures, upon condition that they should be taken charged with the debt due from the King to the old

farmers. Tenders were made; and “after two
 “days spent by his Majesty in conference with
 “several pretenders apart, and finding that the
 “propositions made to him by the old farmers,
 “with whom the other two were to be joined,
 “who had served with them as commissioners,
 “were at least as much, if not more, for his profit
 “than any which had been made by the rest, he
 “declared that the farm should be left to those
 “who had been his commissioners; which was at
 “that time understood to be so far from a good
 “bargain, that the two commissioners who were
 “not concerned in the great debt utterly refused
 “to meddle with the farm at so great a rent; the
 “other four publicly declaring, at the same time,
 “that they would not give the rent but upon con-
 “templation of their debt, which they thought
 “they should sooner and better receive, when it
 “should be assigned upon their own collections,
 “than when it should be charged upon new
 “farmers.” The customs were let, the debts were
 examined, and were admitted, according to Cla-
 rendon, to amount to 200,000*l.* A committee of
 the House of Commons, in December 1660, had
 reported that, among other debts “which his
 “present Majesty is engaged in honour to see
 “satisfied,” there is “due to the old farmers of the
 “customs, for money paid by direction of the
 “House of Commons, in the year 1642, and like-
 “wise to his Majesty, in the same year, in ready
 “money, for which they had tallies struck upon
 “their receipt of the customs, by way of antici-

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“pation,” 253,000*l.** Whether the difference in these statements is attributable to the debts not being identical, or to the committee having included accumulated interest, which, according to Clarendon, the Lord Treasurer disallowed, cannot be ascertained; but it leaves a presumption that the composition, fixed at 200,000*l.*, was favourable to the King rather than to his creditors, and that he did not err on the side of liberality in giving order “to the Lord Treasurer, that the said debt of 200,000*l.* should be paid to them in “five years,” by 40,000*l.* for every year, out of the rent of the customs; and Clarendon adds that there was not “any one person present at “the agitation of this who seemed in the least “degree to differ in opinion, or to dissuade his “Majesty.”

The customs (as it appears from a warrant book in the State Paper office) were let at 390,000*l.* per annum for five years, from Michaelmas, 1662. On what grounds this could be considered an “under rate” does not appear; and our scanty materials of knowledge respecting the mercantile statistics of that period leave us without means of judging. But inasmuch as the customs were re-let, on the 6th of September 1667, for four years, from the ensuing Michaelmas, at 400,000*l.* per annum, being an advance of only 10,000*l.* a year†; and since (as appears by the copy of a petition from the farmers, extant in the State Paper office, dated

* Commons' Journals, viii. 244.

† Council Register.

November 30. 1667,) they applied for allowance for losses during the last five years, by fire, plague, war and its incidents, to the amount of 399,383*l.* 11*s.* 1*d.*, the presumption certainly is not that the farmers of the customs had been unduly favoured at the state's expense.

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In reply to the charge, that Clarendon had received bribes from the Vintners' Company, he answers, "If I had been in the least degree
" guilty of this charge, it would very easily have
" been proved, and the Vintners would very gladly
" have helped them in it, being persons who never
" thought themselves beholden to me, and so not
" obliged to conceal any of my corruptions. They
" well knew that I could never be prevailed with
" to consent to the enhancing the prices of their
" wine, and that I never had the least sum of
" money from them in my life.

" I remember, at a time when his Majesty had
" refused to grant all their other petitions, the
" company of Vintners did complain that there
" were so many informations against them pro-
" secuted by informers in the Exchequer, that
" they must give over their trades, and be like-
" wise undone, if they were severely prosecuted
" for what was past; and therefore besought his
" Majesty in council that he would pardon what
" was past, and that for the future they would tres-
" pass no more. Whereupon his Majesty thought
" it worthy of his mercy to shelter them, for the
" present, from that prosecution; and thereupon
" commanded his Attorney-General to call the

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“informers before him, and to appoint the Vint-
 “ners to pay them such reasonable rewards for
 “their pains, as he thought fit; and thereupon he
 “should enter a *noli prosequi*: but his Majesty
 “charged them, for the future, not to run into
 “the same danger. And as this grace from his
 “Majesty was not upon my promotion, but purely
 “from his own bounty and goodness, from which
 “no person there dissuaded him, as I remember,
 “so I never received the least profit from the
 “same.”

Echard mentions a report that the Vintners' Com-
 pany had contributed to the erection of Clarendon
 house* ; but this appears to have been a mere
 rumour, so utterly without credit, that it has not
 been repeated even by some of those subsequent
 writers who have appeared most anxious to assail
 the character of Clarendon.

With respect to the 9th charge, that he intro-
 duced an arbitrary government in the colonies,
 and “caused such as complained thereof to be
 “long imprisoned for so doing,” as the only case
 which appears to have been adverted to in Parlia-
 ment appears to have been that of a person named
 Farmer, I will here repeat only the substance of
 what Lord Clarendon has stated respecting *that*
 case. He states that Lord Willoughby, the go-
 vernor of Barbadoes, fearing lest Farmer's seditious
 practices should cause a revolt, had sent him to
 England, desiring that he might not be suffered to

* Echard's History of England.

return thither before "the island should be reduced to a better temper." Farmer was examined before the King and Council, and the charge read to him, the greatest part whereof he could not deny, and behaved "so insolently before the King, that his Majesty thought it very necessary to commit him; nor did any one counsellor then present appear to think otherwise." "I do confess," proceeds Lord Clarendon, "that the discharging him from his imprisonment was some time afterwards moved, and that I was always against his discharge, being of opinion that it was impossible for the Lord Willoughby, or any other governor in any of the plantations, to pursue his Majesty's right, and support the government, if he should be so far discountenanced, that a man sent over by him as a prisoner, under such a particular and so serious a charge, should be, upon his appearance here, set at liberty: but my opinion was, that he should be sent back a prisoner thither, that he might be tried by the law and justice of the island, and receive condign punishment for his offence."

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The evidence of the Council Register on this case conveys an impression more favourable, with respect to the treatment experienced by Farmer, than the statement made by Lord Clarendon. It appears that Farmer was, on November 11. 1665, committed to the castle at Oxford by a warrant signed by six privy counsellors, of whom Clarendon was not one; that on his petition it was ordered, on December 15., that he be let out on bail; that on

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March 16. 1666, his answer to Lord Willoughby's charge was heard, in which answer he recriminated; and a copy of this recrimination was sent to Lord Willoughby for rejoinder, upon receipt of which the matter was to be heard again. "And in the mean time," says the entry in the Register, "his Majesty "being very much dissatisfied with the deport-
"ment and proceedings of the said Samuel
"Farmer, did order that he give 2000*l.* bond,
"with two sureties, to attend his Majesty in
"council whensoever he shall be thereto sum-
"moned, and not to depart this kingdom without
"leave." In December, 1666, a petition from Farmer was read at the council-board, complaining of separation from his family, and begging that he might be allowed to return to Barbadoes with the new governor, upon which it was ordered that his petition should be referred to Mr. Willoughby, who was authorised, if he should see fit, to take Farmer out with him to Barbadoes.

To the 10th charge, of having frustrated a proposal respecting Nevis and St. Christopher, he replies by denying that any such proposal was ever made to him.

In reply to the 13th article, that he had, in an arbitrary way, drawn into question divers of the King's subjects concerning their properties, he laments that he is "exposed to public reproach
"under a general odious charge, without asserting
"any one particular to which he might make his
"defence." "I have therefore no more to say,
"but that I am very innocent as to any crime laid

“to my charge in this article; and I have been
 “so far from examining and drawing into question
 “any of his Majesty’s subjects concerning their
 “lands, tenements, goods and chattels, and pro-
 “perties, and determining the same at the council
 “table, and stopping proceedings at law, that I do
 “not know or believe that any one case of that
 “nature hath been ever determined there, at
 “least when I have been present.”

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With respect to the charge of having corruptly caused *quo warrantos* to be issued against corporations, he utterly denies the corruption, and does not admit that he even ever gave directions against any corporation but that of Woodstock, where, though a disposition to prosecute may have been unduly excited by the acknowledged circumstance that, “since the renewing of the charter the
 “mayor and justices were not so good neighbours
 “to his Majesty’s game as they had formerly
 “been,” he alleges sufficient reason why their charter should be repealed.

In reply to the charge, that he procured the Bills of Settlement for Ireland, and received great sums of “money for the same, in a most corrupt
 “and unlawful manner,” he enters into a long account of the course of proceedings relative to the settlement of property in that country, which has been already narrated in this work; and then adverts to his acceptance of a grant from the Crown valued at more than 20,000*l.* He says that not only was this grant unsought by him, but that the intention of giving it was unknown to him: and these

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 1667. — statements are corroborated by written evidence. In May, 1661, Lord Massarene reminded Ormond of the “proposal *long since* humbly presented, for “conferring the product of the county of Meath “on that Lord Chancellor who has laid so very “much of obligation upon *all* the English of this “kingdom, that we must own our lying under “such a rule of gratitude to his Lordship as we “and our posterities can never sufficiently ac- “knowledge.”* In April, 1662, this proposal was carried into effect; and by the King’s letter to the Chancellor of Ireland, it was directed that, under the Great Seal of Ireland, there should be granted to Lord Clarendon and his heirs a half-year’s rent due from soldiers and adventurers in the counties of East and West Meath, Wexford, and Kilkenny; and it added, “to the end that “this our grace may be more effectual to him, “our express will and pleasure is, that no inti- “mations thereof be given him till he receives the “effects of this our intended bounty.”† On the grant being made, and Clarendon apprised of it, he thus wrote, in October of that year, in a confidential letter to his friend Ormond. “I will not “dispute with you, who hath been most notorious, “you or my Lord Orrery, in the invention to “make me richer than I am sure I would have “contrived for myself; but as I would not have “projected it, nor, I think, permitted it if I had “been privy to it (since, in my conscience, ten

* Vol. III. p. 131.

† Ibid. p. 523.

“ thousand had been fitter objects of that bounty),
 “ yet I do not hold myself bound in my con-
 “ science to throw it into the sea.”* Those who
 are disposed to disregard Lord Clarendon’s pro-
 fessions of previous ignorance, must at least admit
 that he evidently believed that Ormond, the friend
 most likely to have been privy to his knowledge,
 thought him ignorant of the intended grant. If he
 was really so (and we have no proof of the con-
 trary), his fault will appear to have amounted to this
 — that he did not reject a donation already made,
 amounting to about 20,000*l.*, as a part of his reward
 for much suffering in the King’s cause, and the most
 zealous and eminent services. The actual benefit
 which Clarendon derived from this mark of royal
 favour remains to be told. He was encouraged,
 by expectation of a promised remittance of more
 than 10,000*l.* (being a portion of the money
 granted), to agree to purchase the manor of Blun-
 den, an estate in Wiltshire, adjoining some pro-
 perty which he already possessed there. Some
 time afterwards Lord Clarendon was informed that
 the necessities of Ireland had been such, that only
 6000*l.* could be sent to him; “ and so,” says Cla-
 rendon, “ I found myself engaged in a speculation
 “ which I could not retract, upon a presumption
 “ of money which, in that manner, I was disap-
 “ pointed of: and I have not only never since
 “ received a penny of what was due upon the

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* Vol. III. p. 226.

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“ second payment (and which I presumed must
 “ have been so certain, that I assigned it upon the
 “ marriage of my second son to him as a part of
 “ his portion), but the remainder of the first sum
 “ was so borrowed, or taken from me, that no
 “ part of it hath been paid to me or to my use;
 “ by which, and the inconveniences and damage
 “ which hath since occurred to me from thence, I
 “ may reasonably say that I am yet a loser, and in-
 “ volved in a great debt by that signal bounty of
 “ his Majesty, which I hope will, in due time, be
 “ made good to me under so good security as an
 “ act of parliament.” Without entering further,
 at present, into the subject of Lord Clarendon’s
 finances, I may add, that the foregoing statements
 are supported by the testimony of letters to his
 sons, and the schedule of his debts.*

With respect to the 16th charge, that he had
 “ deluded and betrayed the King and the nation
 “ in all foreign treaties and negotiations relating
 “ to the late war, and discovered and betrayed his
 “ secret councils to his enemies,” Lord Clarendon
 says, “ I do heartily wish that these particular
 “ treaties, and the particulars in these treaties,
 “ had been mentioned, wherein it was conceived
 “ that I had deluded and betrayed his Majesty,
 “ that I might have, at large, set down what-
 “ soever I have known and done in those treaties,
 “ and then it would easily have been made to

* Vol. III. p. 478. *et seq.*, 535.

“appear how far I have been from betraying and deluding him.” He then recapitulates the treaties which had been entered into, stating that in those with Portugal, the States, Sweden, and Denmark, he was not a commissioner; and that the articles of the treaty of Breda had been discussed at the council, and assented to by a great majority of those present, the King himself having “taken the pains to discourse more,” than Lord Clarendon had ever known him do upon any other business.

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It appears however, from the brief notice which has come down to us, that Lord Vaughan, who moved this article, meant to charge him with betraying the King's counsels to the French court; and that he probably alluded to the communications with Lord St. Albans, in 1667, and had some suspicion of the recent treaty between Charles and Louis. It is a sound principle, that such secret transactions ought to entail peril on the minister who is privy to them; but it is not probable that this view of the nature and extent of ministerial responsibility was then adopted, or that Clarendon's enemies hoped for more than to establish against him some act of correspondence with France, which, though undertaken by the King's direction, the King might be unwilling to avow. With respect to his correspondence with St. Albans, Lord Clarendon says, “It is very true that I had been commanded by the King to write most of the letters and directions which

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“ had been sent to the Earl of St. Albans, from
 “ the time of his going over concerning the
 “ treaty, his Lordship having (I presume by the
 “ same direction) directed most of his letters to
 “ me; and most of the dispatches to the ambas-
 “ sadors were likewise prepared by me, they being
 “ by their instructions (without my desire or pri-
 “ vity) to transmit their accounts to one of the
 “ Secretaries, or to myself. But it is as true that
 “ I never received a letter from either of them
 “ but it was read entirely, in his Majesty’s pre-
 “ sence, to those lords of the council who at-
 “ tended, when directions were given what an-
 “ swer should be returned; and I never did
 “ return any answer to either of them, without
 “ having first read it to the council, or having
 “ first sent it to one of the Secretaries to be read
 “ to his Majesty.”

In quoting this, and sundry previous assertions, which I have extracted from Lord Clarendon’s Vindication, let me remark, that I do not claim for his unsupported denials of culpability more weight than is, *a priori*, deemed due to the prisoner’s plea of “ Not guilty.” But I must direct attention, not only to the undefined nature of many of the charges, which, in the absence of specific allegations, could be met only by general denial, but also to the circumstance that the statements which Clarendon has thus put forth in his own defence, were, if untrue, open to contradiction by persons from whom he could expect

no favour. He was declining to avail himself of the absence of proof; he was throwing down the gauntlet, and inviting his opponents to specify and substantiate those accusations which, if he was guilty, it was his truest policy not to draw forth from that vague and unproved state in which they were comparatively harmless.

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CLARENDON IS KINDLY TREATED BY THE FRENCH GOVERNMENT.—MOVES FROM CALAIS TO ROUEN.—CHANGE OF CONDUCT ON THE PART OF LOUIS XIV.—CLARENDON RETURNS TO CALAIS.—ILLNESS.—RETURNS TO ROUEN.—JOURNEY TOWARDS AVIGNON.—IS ASSAULTED BY RIOTERS AT EVREUX.—HIS SOJOURN AT BOURBON.—AT AVIGNON.—AT MONTPELIER.—HIS LITERARY OCCUPATIONS.—REMOVAL TO MOULINS.—HIS LETTER TO THE DUCHESS OF YORK.—HIS OCCUPATIONS AT MOULINS.—REMOVAL TO ROUEN.—DEATH.

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AFTER a protracted and difficult passage, Lord Clarendon found refuge at Calais, from whence he wrote to Lord St. Albans, enquiring if the French court would object to his proceeding to Rouen. St. Albans, whose recent professions had caused him to expect civility, returned a cold but favourable reply. Louis also wrote to him, with more civility and to the same effect, informing him that he would be welcome to reside at Rouen; that, according to his request, a coach would be ready to meet him at Abbeville; and that letters were sent to the Lieutenant-Governors of Calais, Boulogne, and Montreuil, instructing them to treat him as a person whom their King esteemed, and to afford him a sufficient escort.*

* Life of Clarendon, iii. 350.

Thus assured of good treatment, he quitted Calais; had an escort afforded him from Boulogne to Montreuil; and was kindly received at the latter place by the Duc D'Elbœuf, who lent him his carriage as far as Abbeville, where he found a coach waiting to convey him to Rouen. On the 24th of December he arrived at Dieppe; and on the following day proceeded on his journey towards Rouen. When about half way between Dieppe and Rouen, a gentleman, attended by two servants, rode up to his carriage, and delivered a letter from the King of France, desiring him to give credence to whatever the bearer, whose name was Le Fonde, and who belonged to the court, should say. The bearer then informed him, that inasmuch as any favour shown to him in France would give offence to the English government, and might cause a breach between the two Crowns, the King of France must desire him to quit his dominions immediately; but, that he might want no accommodation for his journey, the bearer of this message was commanded to accompany him.

Struck with this fresh instance of relentless persecution, Clarendon besought permission to proceed to Rouen, a permission which the messenger granted; and after a disastrous journey, the coach which conveyed him being three times overturned, Clarendon, hurt and ill, arrived at Rouen late that night. On the following day he was too ill to fulfil his intention of proceeding on his journey; and letters from him, and from Le

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Fonde, to Lord St. Albans, and to the French court, were dispatched, by express, to entreat that his immediate departure in his present condition might not be enforced. Lord St. Albans vouchsafed no answer: that which Le Fonde received from the Court reiterated the former harsh command: but immediate compliance had become impossible. "The fatigues of the journey, and "the bruises he had received by the falls and "overturnings of the coach, made him not able to "rise out of his bed; and the physicians, who "had taken much blood from him, exceedingly "dissuaded it."*

In this emergency, and finding Le Fonde unwilling to prefer fresh remonstrances, Clarendon wrote a letter, in Latin, to Lionne, "by whose "hand all the ungentle orders to Monsieur "Le Fonde had been transmitted." He also applied to the Abbé Montague, for his interest with Le Tellier, craving permission to rest some days at Orleans on his way to Avignon, whither he had at length resolved to go. The result was a harsh reply from Lionne; and from the Abbé Montague an intimation that, in his journey to Avignon, he would be allowed to rest only one day in ten.

At this time he received intelligence from his sons, which produced an immediate change of plan. He was informed of the Act of banishment, and the command to appear before the 1st of February; upon which, dismissing all thoughts

* Life of Clarendon, iii. 355.

of Avignon, he resolved to hasten back to Calais; and about the middle of January he quitted Rouen for this purpose*, intending that if, on his arrival at Calais, he met with no advice to the contrary, he might present himself in London before the day fixed by the Act of banishment. He arrived at Calais on the 21st, but broken by fatigue and crippled with gout, so that he became confined to his bed, and bleeding was deemed necessary to allay his fever. While he was thus confined to the bed of sickness, the King of France (who, notwithstanding his frequent exhibitions of theatrical magnanimity, could condescend to be the instrument of Charles's malice towards an aged, helpless wanderer) reiterated his commands, that under no circumstances should Lord Clarendon be permitted to remain in Calais. "The King is a very great and powerful Prince," said Clarendon to the bearer of this brutal mandate, "but he is not yet so omnipotent as to make a dying man undertake a journey." He added, that he was at the King's mercy, and must endure whatever it was his pleasure to inflict; that he might send him a prisoner to England, or cause him to be carried, dead or alive, into the Spanish territories, but he would not be *felo de se*, by voluntarily attempting what it was not possible to perform. His physicians signed a certificate of his inability to be removed without danger to his life; and the Lieutenant-Governor of Calais, and the President of Justice, who came to see him at his

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* Life of Clarendon, iii. 358.

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own request, shocked at this revolting cruelty to fallen greatness, concurred in representations which obtained for Clarendon permission to remain at Calais, till he could be removed without danger.

Ere this time came, the period was past which Clarendon's enemies had fixed for his re-appearance. The accidents of travel, and the grievous visitation of dangerous illness, were converted by the Legislature into aggravations of his supposed offence; and the full severity of their iniquitous measure now came into operation. But some compensation was in store for him. The triple alliance between England, Holland, and Sweden, was concluded at the Hague, in January, 1668; and the King of France, instead of desiring any longer to conciliate Charles's friendship, by acts of harshness towards his banished minister, now wished to mortify that Prince by showing favour to one who had displeased him. Clarendon soon reaped some benefit from this change of feeling; and by the next post, after the physicians had dispatched their certificate, he received a letter from Lionne, protesting "that he had the same
" respect for him which he had always professed to
" have in his greatest fortune; and, that it was
" never in the purpose of his Christian Majesty to
" endanger his health, by making any journey that
" he could not well endure; and therefore, that it
" was left entirely to himself, to remove from
" Calais when he thought fit, and to go to what
" place he would."* Having obtained this indul-

* Life of Clarendon, iii. 363.

gence, he resumed his former purpose of going to Avignon; resolving, by the advice of his friends in England, in the course of his journey thither, to repair for his health, to the waters of Bourbon. But, for many weeks, he was confined to his bed at Calais; and it was not till the 3rd of April, that he was sufficiently recovered to endure the motion of a carriage; and then, having bought a large and easy coach of the President of Calais, he began his journey towards Rouen, where some of his effects were left. Arriving at Rouen, he found letters repeating the favourable sentiments of the court, and its present indulgent intentions, and requesting only, that in the course of his journey, he would not pass through Paris.

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On the 23d of April he re-commenced his journey from Rouen towards Bourbon, and stopped that night at Evreux. Here a circumstance occurred, which placed the life of Clarendon in more imminent peril than he had yet encountered. In the town was quartered a company of English seamen, who had been employed in the French artillery, and who, hearing of Clarendon's arrival, flocked round the inn, declaring, "that there were many months pay due to them from England, and that they would make him pay it before he got out of the town." Many of them were armed with swords and pistols. They broke into the court of the inn, found out the room in which he was lodged, and which, on account of his lameness, he had selected on the ground floor. The door of this room being barricaded, they attempted to enter

Clarendon
is attacked
by rioters.

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at the window, but were kept at bay by Le Fonde and the servants of Clarendon, at whom the rioters discharged their pistols, till Le Fonde fell, wounded in the head, and one of the servants was wounded also. A few of the rioters then entering by the window, threw open the door, and admitted the rest. Clarendon, who was sitting on his bed unable to stand, was knocked down and stunned by a blow on the head from the flat side of a broad sword, inflicted by the ringleader of this gang. Fortunately, avarice combated with revenge; and the rioters "differed amongst themselves what they should do with him, some crying "that they would kill him, others that they would "carry him into England; some had their hands "in his pockets, and pillaged him of his money, "and some other things of value; others broke "up his trunks, and plundered his goods." The majority seemed disposed to inflict instant death: but the ringleader told them, they would hurt one another if they killed him there—let them despatch him in the court, where there was more room. They promptly acted upon this suggestion; and, seizing their intended victim dragged him along the ground to the middle of the court. At this moment, the Ensign of the company to which the rioters belonged, and some of the Magistrates, with a guard, appeared: the rioters quitted their prey; and Clarendon was thus rescued from impending death. Some Magistrates of the city, and the Provost (who out of the city was the greater officer), now came to the spot,

but without affording much comfort to the sufferers, or promise of protection, if the attack were to be renewed. The inn was in the suburbs; the jurisdiction was contested; and the Dogberrys of Evreux, who thronged the sick chamber of the wounded Clarendon and his bleeding attendants, wrangled till midnight on this knotty topic, "the hurt persons being, in the mean time, without any remedy or ease." At length, through the remonstrance of Le Fonde, the party obtained an asylum in the house of the Duc de Bouillon, to which they were that night removed. The outrage was immediately investigated—many of the rioters were seized and tried—and the ringleader and two others were broken on the wheel.

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Lord Clarendon suffered no severe injury from the contusions he had received; and in a short time he and his servants were able to proceed to Bourbon. There he remained several weeks, deriving much benefit to his health from the mineral waters of that place, and receiving many marks of attention from the residents. From thence he journeyed towards Avignon, where, after staying a week at Lyons, he arrived about the middle of June. He had long before intended to establish himself in this town; but though he found many inducements, in the attention which was paid him by the dignitaries and magistrates of the place, in the cheapness of living, and the agreeableness of the surrounding country, he was attracted by the fame and vicinity of Montpellier, to visit that place also, before he

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decided upon a permanent abode. Montpellier was visited and preferred, and here he established himself from July, 1668, to 1670.* The friendship of Lord and Lady Mordaunt (the latter of whom had come thither for recovery of health), the attentions of the Governor, and the civility and respect with which he was treated by the inhabitants of the place, and such strangers of distinction as happened to visit it — rendered his sojourn here agreeable, and restored his mind to such serenity, as his eventful, troubled, and disastrous life had seldom permitted him to enjoy.†

Thus possessed of tranquillity and leisure, Clarendon soon sought employment: and with a thirst for information, and an unabated industry, admirable and remarkable, the aged statesman resolved to acquire a new language, and not only “to improve his understanding of the “French language,” but also “to learn the Italian, towards “which he made a competent progress.”‡ He also resumed the labours of his pen. Among his earliest tasks was the “Vindication” of himself to which I have already adverted. It appears from the prefixed date, that he commenced it at Montpellier, on the 24th of July, 1668, soon after his arrival there. He wrote it, not for immediate publication, but for the information of his children

* Part II. of his “Life” is dated “Pezenas, the 24th of July, 1669;” but as he mentions no intermediate removal from Montpellier, it is probable that his visit to Pezenas was of short duration, and that Montpellier continued to be his head-quarters throughout the whole of the period above-mentioned.

† Life of Clarendon, iii. 373—376.

‡ Ibid. iii. 377. J

and his friends, and eventual publication by them, at such time and in such manner as they judged expedient: and having completed it before Lord and Lady Mordaunt returned to England, "he committed it to their care, who delivered it safely to his sons."*

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He also wrote, while at Montpelier, as appears from the prefixed dates, his "Essay on Human Nature" — "Upon the Happiness which we may enjoy in and from Ourselves," on "Envy," "Pride," "Anger," "Patience in Adversity," "Contempt of Death," "Friendship," "Counsel and Conversation," "Promises," "Liberty," "Industry," "Sickness," "Patience," "Repentance," "Conscience," "War," and "Peace." There are other Essays, to which no note of time or place is annexed, which may possibly have been written at Montpelier likewise.† He also resumed his "Contemplations and Reflexions on the Psalms of David," a work which he had commenced at Jersey, in December, 1647, had continued at Madrid, and took up again at Antwerp, in July, 1651.‡ This work, (recommencing it at the 71st Psalm,) he resumed at Montpelier, on the 18th of December, 1668; and between that time and the 27th of February, 1670, he wrote, together with a dedication to his children, the whole remaining portion of the work,

* Life of Clarendon, iii. 378—380.

† Collection of Tracts by Clarendon, 89. 95. 112. 114. 119. 120. 127. 130. 137. 140. 142. 145—148. 162. 205. 209.

‡ Collection of Tracts, 383. 540, 541. 547.

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forming considerably more than half, and occupying above 220 folio pages.*

But this was only a portion of his literary labours. Such was the activity and versatility of his mind, that, concurrently with the foregoing works, he composed others, still more important, and of a very different kind. On the 23rd of July, the day before he commenced his "Vindication," he appears to have begun to write the history of his own life. His other works, however, prevented his progress in this Autobiography from having been rapid at the outset; for the first part, extending from his birth to 1640, (and which in the edition of 1827, is comprised in ninety-four octavo pages,) was not completed till the 27th of the ensuing March.† After this, he proceeded rather more rapidly. Part II., a portion of almost equal length, was finished at Pezenas, on the 24th of July, 1669; Part III., at Montpellier, on the 6th of November. Part IV. contains merely references to materials afterwards embodied in his History of the Rebellion. Parts V. and VI. also contain brief allusions to facts related more fully in the History. They carry down events to 1655, and appear to have been completed on the 27th of May, 1670. The seventh and last part of the manuscript of his life, is dated at Montpellier, August 1st, 1670, and continues the history of events, from the King's residence at Cologne, to his Restoration, containing the substance of what

* Collection of Tracts, 547—770.

† Life of Clarendon, i. 1. 95.

“ is printed in the two last books of the History
 “ of the Rebellion*,” which was also probably
 completed during his sojourn at this place.†

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I cannot discover any record of the time or cause
 of his removal from Montpellier ; but in June, 1671,
 he appears to have arrived at Moulins, and to have
 remained there till the end of April, 1674.‡

Long before his removal from Montpellier, he
 became apprised of a circumstance, which filled
 him with the deepest concern. He learnt that his
 daughter the Duchess of York had embraced the
 Romish faith ; and he addressed to her, by letter,
 an earnest remonstrance, which commenced in the
 following terms :—“ You have much reason to
 “ believe that I have no mind to trouble you,
 “ or displease you, especially in an argument
 “ that is so unpleasant and grievous to myself.
 “ But as no distance of place that is between us, in
 “ respect of our residence, or the greater distance
 “ in respect of the high condition you are in, can
 “ make me less your father, or absolve me from
 “ performing those obligations which that rela-
 “ tion requires from me, so when I receive any
 “ credible advertisement of what reflects upon

* Life of Clarendon, i. 309.

† He wrote thus to Charles II., in June, 1671, from Moulins : “ I
 “ have performed a work under this mortification which I began with
 “ the approbation and encouragement of your blessed father, and when
 “ I had the honour to be near your Majesty; and which, if I do not
 “ overmuch flatter myself, may be for the honour of both your Majes-
 “ ties.” Clarendon State Papers, iii. Supp. xi.

‡ Macdiarmid takes no notice of Clarendon’s residence for two years
 and ten months at Moulins, and describes his movements as if he had
 passed at once from Montpellier to Rouen, where he did not arrive till
 May, 1674. — Macdiarmid, ii. 408.

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“ you, in point of honour, conscience, or discre-
“ tion, I ought not to omit the informing you of it,
“ or administering such advice to you, as to my
“ understanding seems reasonable, and which I
“ must still hope will have some credit with you.
“ I will confess to you, that what you wrote to
“ me many months since, upon those reproaches
“ which I told you were generally reported con-
“ cerning your defection in religion, gave me so
“ much satisfaction, that I believed them to pro-
“ ceed from that ill spirit of the time that delights
“ in slanders and calumny : but I must tell you, the
“ same report increases of late very much, and I
“ myself saw a letter the last week from Paris,
“ from a person who said, the English Amba-
“ sador assured him the day before, that the
“ Duchess was become a Roman Catholic; and,
“ which makes greater impression upon me, I
“ am assured that many good men in England,
“ who have great affection for you and me, and
“ who have thought nothing more impossible than
“ that there should be such a change in you, are
“ at present under much affliction, with the obser-
“ vation of a great change in your course of life,
“ and that constant exercise of that devotion
“ which was so notorious, and do apprehend from
“ your frequent discourses, that you have not the
“ same reverence and veneration which you used
“ to have for the Church of England, the Church
“ in which you were baptised, and the Church
“ the best constituted and the most free from
“ errors of any Christian Church this day in the
“ world; and that some persons by their insinu-

“ ations have prevailed with you to have a better
 “ opinion of that which is most opposite to it, the
 “ Church of Rome, than the integrity thereof de-
 “ serves.” He presumes that she does not entangle
 herself in particular controversies between the Ro-
 manists and the Church of England, and believing
 that she is more probably swayed by “ some falla-
 “ cious argument of antiquity and universality,”
 applies himself to combat them. He tells her,
 that “ the common argument, that there is no
 “ salvation out of the Church, and that the Church
 “ of Rome is that only Church, is both irrational
 “ and untrue.” “ There are many Churches in
 “ which salvation may be attained as well as in any
 “ one of them, and were many even in the Apos-
 “ tolic time, otherwise they would not have di-
 “ rected their epistles to so many several Churches
 “ in which there were different opinions received,
 “ and very different doctrines taught. There is
 “ indeed but one faith in which we can be saved,
 “ the stedfast belief of the birth, passion, and re-
 “ surrection of our Saviour, and every Church that
 “ receives and embraces that faith is in a state of
 “ salvation. If the Apostles preached true doc-
 “ trine, the reception and retention of many errors
 “ does not destroy the essence of a Church; if it
 “ did, the Church of Rome would be in as ill, if
 “ not in a worse condition than most other Chris-
 “ tian Churches, because its errors are of a greater
 “ magnitude, and more destructive to religion.
 “ Let not the canting discourse of the universa-
 “ lity and extent of that Church, which has as little

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“ of truth as the rest, prevail over you. They
 “ who will imitate the greatest part of the world,
 “ must turn heathens, for it is generally believed,
 “ that above half the world is possessed by them,
 “ and that the Mahometans possess more than
 “ half the remainder. There is as little question,
 “ that of the rest which is inhabited by Christians,
 “ one part of four is not of the Communion of
 “ the Church of Rome; and God knows, in that
 “ very Communion, there is as great discord in
 “ opinion, and in matter of as great moment as is
 “ between other Christians.” He then made a
 strong appeal to her feelings, and ended by con-
 juring her that if she will not communicate her
 doubts to those near her “ of whose learning and
 “ piety ” she has “ had much experience, she will
 “ impart them at least to him, and await his answer
 “ before she suffers them to prevail over her.” *

It appears that about the same time he addressed
 a remonstrance to the Duke of York, written appa-
 rently in ignorance that the Duke was secretly a
 Roman Catholic, and which assumed that the de-
 fection of the Duchess from Protestantism must be
 displeasing to her husband. At the same time he
 applied an argument which was likely to have weight
 with a favourer of Roman Catholics, telling him
 that, if the reported apostacy of the Duchess were
 true, “ it might very probably raise a greater
 “ storm against the Roman Catholics in general
 “ than modest men can wish.” †

* Clarendon State Papers, iii., Supp. xxxviii.—xl.

† Ibid. xxxvii.

These appeals were ineffectual; and the Duchess died a Roman Catholic, on the 31st of March, 1671, in the 34th year of her age. The severe affliction of this untimely death was aggravated to the surviving husband, by the additional loss of many of their children.* Out of eight children, three sons and a daughter died before her; and the sole remaining son, and another daughter, died, also, in the course of the year 1671; leaving only two daughters, Mary and Anne, who ascended the throne of England, and became the supporters of that Faith which their parents had abandoned, and their maternal grandfather had ever firmly and zealously maintained.

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At Moulins, Clarendon was permitted to enjoy the society of his children — a blessing from which he had been cruelly debarred by the authority of that ungrateful Monarch, for whose sake, in a former exile, he had endured the hardships of poverty, and foregone the comforts of domestic life. He was visited at Moulins by his

* The following are the names of her children, with the dates of their births, and of the deaths of such as died young:—

Charles, Duke of Cambridge,	born October 22. 1660. died May 5. 1661.
James, Duke of Cambridge,	born July 12. 1663. died June 20. 1667.
Charles, Duke of Kendal,	born July 4. 1666. died May 22. 1667.
Edgar, Duke of Cambridge,	born September 14. 1667. died June 8. 1671.
Mary (afterwards Queen)	born April 30. 1662.
Anne (afterwards Queen)	born February 6. 1665.
Henrietta	born January 13. 1669. died November 15. 1669.
Katherine	born February 7. 1671. died December 5. 1671.

See Sandford's Genealogical History, 677—680.

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second son Lawrence, who quitted him again for England about the 12th of June, 1671, bearing letters for Lord Cornbury, on the subject of his pecuniary concerns, and a letter to the King. In the latter, which was brief, he informed Charles of the completion of his history, and entreated, in moving terms, that “an old man who had served the Crown above thirty years, in some trust, and with some acceptance,” might be permitted to end his days, “which cannot be many,” in his own country, and in the society of his children.*

It appears from his letter to his eldest son, which he sent at the same time, that he entertained a sanguine hope that this entreaty would be granted; and he entered into details and directions respecting his house and lands in England in the tone of one who expected to revisit them soon. †

At Moulins, his literary industry was as great as at Montpellier. On the 8th of June, 1672, he appears to have commenced the continuation of his life, or, as he entitled the work, “Reflections upon the most Material Passages which happened after the King’s Restoration, to the time of the Chancellor’s Banishment; out of which his Children, for whose Information they are only collected, may add some important Passages to his Life, as the true cause of his Misfortunes.” ‡ Here he wrote his “View and Survey of Hobbes’ Leviathan,” which by a

* Clarendon State Papers, iii., Supp. xi.

† Life of Clarendon, i. 313.

‡ Vol. iii.

Dedication, dated May 11th, 1673, he inscribed to Charles II. While at Moulins, he wrote his "Animadversions upon Mr. Cressy's Book, intituled Fanaticism fanatically imputed to the Catholic Church by Dr. Stillingfleet, and the Imputation refuted and retorted by J. C." Also, as he tells us, he "prepared a Discourse Historical of the Pretence and Practice of the Successive Popes, from the Beginning of that Jurisdiction they assume; in which he thought he had fully vindicated the power and authority of Kings from that odious usurpation. He entered upon the forming a method for the better disposing the History of England, that it may be more profitably and exactly communicated than it hath yet been. He left so many papers of several kinds, and cut out so many pieces of work, that a man may conclude he never intended to be idle." *

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In the Spring of 1674, Clarendon procured a house at Rouen, and some time between April and July removed to this his last abode. His strength was failing. His former malady, the gout, seems to have returned with much violence, and to have weakened him greatly by its attacks. He seems to have felt a presentiment that his dissolution was not far distant; and a strong desire to revisit England before he died, was probably the cause which induced him, in spite of failing health, again to encounter the discomfort of a removal, and the fatigue of a long journey. From Rouen

* Life of Clarendon, iii. 481, 482.

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on the 29th of August he reiterated his solicitations for permission to return, addressing letters to the King, to the Queen, and to the Duke of York, in which he pathetically entreated that he might be allowed to die among his children. "Seven years," he said, "was a time prescribed and limited by God himself, for the expiration of some of his greatest judgements; and it is full that time since I have, with all possible humility, sustained the insupportable weight of the King's displeasure." "Since it will be in nobody's power long to keep me from dying, methinks the desiring a place to die in, should not be thought a great presumption, nor unreasonable for me to beg leave to die in my own country, and among my own children."* But the dying entreaties of an aged adherent had no effect upon the cold and selfish heart of Charles II. The request was not granted, and in little more than three months from the date of this fruitless petition, Lord Clarendon expired at Rouen on the 9th of December, 1674, in the 65th year of his age.†

I find no record of his last moments. His death appears to have been expected. His son, Lord Cornbury, was with him when he died, having come in consequence of the tidings of his danger; and he seems to have considered the danger imminent, inasmuch as he had written to the Abbé Montague requesting him to remind the French

* Clarendon State Papers, iii., Supp. xlv., xlv.

† Biog. Brit. Wood's Ath. Oxon., iii., 1024.

Government of the remission of the *droit d'aubaine*, which had been granted in favour of the heirs of Lord Clarendon a few years before.*

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The body was brought to England; and, according to the statement of Anthony Wood, was buried on the north side of Henry VII.'s chapel in Westminster Abbey.† The date of the burial (as appears from the Register of the Abbey) was the 4th of January, 1675. No monument has been erected, and no inscription marks the place of interment.

The Will was as follows:—

“ I, Edward Earl of Clarendon, do ordain this
 “ to be my last Will and Testament. Imprimis:
 “ I commit my soul to God, and make the execu-
 “ tors of this said last will (my two sons) Henry
 “ Viscount Cornbury, and Lawrence Hyde, Esq.;
 “ and commend to them the care of my servants,
 “ who have behaved themselves very carefully and
 “ honestly to me. And likewise recommend their
 “ sister Frances Hyde, and their brother, James
 “ Hyde, Esq., to their kindness, to whom I am able
 “ to leave nothing but their kindness. Item: I
 “ give and bequeath to my said two sons all my
 “ papers and writings of what kind soever, and
 “ leave them entirely to their disposal, as they shall
 “ be advised, either by suppressing or publishing,
 “ by the advice and approbation of my Lord Arch-

* Vol. iii. p. 488.

† Wood's Ath. Oxon. iii. 1024., and *note*. Biog. Brit. (art. Hyde), iv. 2736.

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“ bishop of Canterbury, and the Bishop of Win-
“ chester, whom I do entreat to be the overseers
“ of this my Will. And that they would be both
“ suitors to his Majesty on my children’s behalf,
“ who have all possible need of his Majesty’s
“ charity, being children of a father who never
“ committed fault against his Majesty.

“ CLARENDON.

“ *Rouen, Dec. 11th, 1674.*” *

* This date must have been new style, then adopted in France,
answering to December 1. old style.



CHAPTER XIX.

VIEW OF THE STATE OF SOCIETY, AND OF PUBLIC EVENTS AFTER CLARENDON'S ADMINISTRATION.—STATE OF LIBERTY DURING HIS ADMINISTRATION.—SECURITY OF PROPERTY.—PERSONAL LIBERTY.—INTIMIDATION OF JURIES.—PROCLAMATIONS.—RESTRICTIONS ON THE PRESS.—NATURE OF MINISTERIAL DUTIES AND RESPONSIBILITIES IN THE SEVENTEENTH CENTURY.—CLARENDON'S CHARACTER AS A MINISTER.—AS A JUDGE.—PERSONAL CHARACTER.—PECUNIARY AFFAIRS.

A BRIEF survey of events subsequent to the administration of Lord Clarendon is not irrelevant to the subject of this work. The purposes of those who supplant a minister are often exhibited most faithfully in their subsequent proceedings: and a statesman must be judged, not only by that which he ostensibly effected, but also by that which he had imperceptibly counteracted, and which bursts forth into active existence when his influence is removed. Charles signalized his emancipation from Clarendon's control, by making, within a month after that Minister had retired from office, a grant of plate to Lady Castlemaine; and afterwards by an indulgence more open and unbridled in reckless extravagance and licentious pleasures. His minister, Buckingham, encouraged in him that contempt of decency, which Clarendon had been

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wont to reprove ; and, at Buckingham's instigation, Charles installed in Lady Castlemaine's post of dishonour an actress of notorious frailty, who, in allusion to two preceding paramours of the same name, called the King her "Charles the Third." The few years following Clarendon's expulsion were the most glaringly profligate in that age of profligacy — the most corrupt and degraded in that reign of political degradation. Morality had fallen so low, that it could scarcely obtain even the homage of the shallowest hypocrisy, from those whose position, making them conspicuous, ought to have made them also mindful of the example they were setting : and the grossest crimes were sometimes pardoned if they assumed the character of frolic. Two court favourites, the King's recent companions in an indecent revel, "run up and down all the night, almost naked, through the streets," and are taken into custody : "the King "takes their parts ;" and a Lord Chief Justice imprisons the constable who had done his duty in apprehending them.* The favourite minister kills in a duel the husband of a woman whose paramour he is, and who assists at the combat in the disguise of a page. The King's illegitimate son Monmouth, in company with the young Duke of Albemarle and others, kills a watchman, who begs for mercy, and the King pardons all the murderers. A daring ruffian, named Blood, attempts to assassinate the Duke of Ormond, and soon after-

* Pepys, iv. 185.

wards to steal the regalia : Charles admits the felon to his presence—hears with amusement the boastful confession of his committed and intended crimes, and not only pardons but rewards him. The son of Ormond tells the King's minister, before the King, that he believes him the instigator of the recent attempt to assassinate his father, and that should any such attempt succeed, he shall regard that minister as the secret instrument, and kill him even in the King's presence. Sir John Coventry, a member of Parliament, in the course of a debate, in reply to an argument against taxing playhouses, namely, that the players were the King's servants, and a part of his pleasure, asked whether the King's pleasure lay amongst the men or the women who acted. Charles stung by Coventry's allusion to what every body knew, sends some officers of the guards to waylay and maim him, which they do by cutting his nose to the bone. Assuming that these facts were monstrous exceptions, and not average examples of the state of society, it may still be urged that they could not have been possible except in a period of unparalleled corruption.

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The politics of that period were suitable to the morals. The Cabal, a ministry notorious above others for pernicious counsels, were engaged in the furtherance of that plot for the re-establishment of the Roman Catholic faith, which had been crushed for a time by the firmness of Clarendon in 1663. By a secret treaty with France, Charles bound himself to profess that faith, and to aid Louis in

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the subjugation and dismemberment of the Dutch Republic, with which England was then at peace; while Louis in return engaged to furnish Charles with money, and to send him an armed force if necessary, to suppress any serious symptoms of discontent in England, which the abjuration of Protestantism might produce. After the completion of this secret compact, a large supply was obtained from the Parliament by a more monstrous tissue of false pretences than ever Minister had dared to plead. The Minister alleged the necessity of increasing our armament in consequence of the formidable strength of the French navy, with which Charles had covertly pledged himself to cooperate; and as a means of maintaining the triple league, which at that very time he had engaged to violate.

The war thus iniquitously meditated against a friendly Protestant state, was declared on grounds the most frivolous and unjust. An English yacht sailed into the midst of the Dutch fleet lying near the Dutch coast, and endeavoured to provoke a quarrel by trying to compel them to strike their colours to the British flag. The Dutch Admiral refused to deviate from former practice, by lowering his flag on the Dutch coast to a British vessel which was not a vessel of war. "This incident however," says Hume, an historian partial to the Stuarts, "furnished Downing with a new article to increase the vain pretences on which it was proposed to ground the intended rupture. The English Court delayed several months before they

“ complained, lest if they had demanded satisfac-
“ tion more early, the Dutch might have had time
“ to grant it. Even when Downing delivered his
“ memorial, he was bound by his instructions not
“ to accept of any satisfaction after a certain num-
“ ber of days — a very imperious manner of nego-
“ tiating, and impracticable in Holland, where the
“ forms of the Republic render delays absolutely
“ unavoidable. An answer however, though re-
“ fused by Downing, was sent over to London
“ with an Ambassador-extraordinary, who had
“ orders to use every expedient that might give
“ satisfaction to the Court of England. That
“ Court replied, that the answer of Holland was
“ ambiguous and obscure; but they would not spe-
“ cify the articles or expressions which were liable
“ to that objection. The Dutch Ambassador de-
“ sired the English Ministry to draw the answer
“ in what terms they pleased, and he engaged to
“ sign it. The English Ministry replied, that it
“ was not their business to draw papers for the
“ Dutch. The Ambassador brought them the
“ draught of an article, and asked them whether
“ it was satisfactory. The English answered that
“ when he had signed and delivered it, they would
“ tell him their mind concerning it. The Dutch-
“ man resolved to sign at a venture; and on his
“ demanding a new audience, an hour was ap-
“ pointed for that purpose. But when he attended,
“ the English refused to enter upon business, and
“ told him that the season for negotiating was now

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“past.”* Other causes of offence were sought by the English Government in a similar spirit. The representation of some ships on fire (supposed to be at Chatham) in the background of a portrait of Cornelius De Witt, which hung in the Town Hall at Dort, was deemed fit matter for a national quarrel. Injuries to the East India Company were alleged, which that Company did not acknowledge; and complaints were made of the detention of Englishmen at Surinam, who were proved to have remained there voluntarily. Such were the pretexts on which the second Dutch war was commenced; and it was preceded by a transaction even more infamous than these pretexts. Before war was declared, a piratical attempt was made, by order of the English Government, to seize the Dutch Smyrna fleet — an attempt which was unsuccessful, and which they afterwards meanly disavowed, pretending that the attack arose from the refusal of the Dutch to lower their flag.

To govern without Parliaments was the cherished object of Charles and the Cabal; and to their attainment of this object, want of money was the chief obstacle. The late liberal grant was soon exhausted — the promised supplies from France were inadequate — and the public expences were about to be increased by war. In this emergency, the Cabal adopted the monstrous expedient of shutting up the Exchequer. By this iniquitous

* Hume, vii. 474.

act, which suspended all payments to the public creditor for twelve months, (promising interest, which during that reign was never paid,) about 1,300,000*l.* was placed at the disposal of the government — while the consequences were, the failure of many bankers and merchants, stagnation, famine, general distrust, and that many annuitants, (among whom were widows and orphans,) were reduced to the utmost poverty.

The powers of the prerogative began to be asserted in questionable modes, which savoured strongly of the exploded despotism of former times. Vendors of merchandise prohibited by proclamation were threatened with fine. A proclamation was issued, menacing those who might speak disrespectfully of the King and his government, or, hearing such speeches, did not inform against the utterers. Another enjoined impressment: and martial law was established by an order in Council. But most important was the declaration, repeating the attempt frustrated by Clarendon in 1663, whereby the King signified his will, that “all manner of penal laws in matters ecclesiastical, against whatsoever sort of non-conformists or recusants, should be from that day suspended.” This dangerous assumption of arbitrary power, under the guise of liberality and toleration, awakened the suspicion of the re-assembled Commons. They penetrated the motives of the King and his advisers, and firmly opposed the meditated re-establishment of Romanism and arbitrary power. First, they resisted an insidious attempt to increase the

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number of the dependants of the Crown in the lower house. Without waiting till the Parliament had assembled, Shaftesbury had issued writs for new elections where vacancies had occurred during the prorogation, and had contrived that such vacancies should be filled by nominees of the government. The Commons voted these elections void, and issued new writs. They then opposed the declaration—resolved that “penal statutes in matters ecclesiastical cannot be suspended but by act of Parliament,” and embodied their resolution in an address to the King. The crisis had arrived. If Charles now paused in his course of despotism, the projects of the Cabal had been undertaken in vain. He had obtained a promise of foreign aid to support him in abjuring Protestantism — and must he falter in his design even to tolerate the faith which he had engaged to profess? This was the question which awaited his decision. But Charles, though loving power much, loved ease and pleasure more. He quailed at the prospect of collision with the Commons. He cancelled his declaration; and Shaftesbury, the ablest of his advisers, despising the weakness of a master, who, harbouring the intention, yet wanted the courage to be despotic, threw himself into the ranks of the popular party, and fanned the flame of opposition to all those plans of power and popery, which he himself had so strenuously abetted.

Such were the projects, such the course, of the ministers, by whom Clarendon was expelled and persecuted. The fact that they were his enemies,

is a testimony in his favour. The fact that some of them had also been his colleagues, suggests the probability that in instances which are not recorded, he, who was charged with arbitrary views, might have experienced difficulty, not in carrying out those views, but in repressing the more arbitrary projects of those who supplanted him in the favour of the King; and that his ministry, though in some respects its tendencies may appear despotic, was in fact a struggle, sometimes successful, sometimes unavailing, against attempts to introduce the despotic counsels which eventually prevailed.

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The degree of liberty and security which the people enjoyed during the administration of Lord Clarendon, is a fit subject of inquiry, and one into which I propose to enter, before I examine his character more closely.

State of
liberty
under Cla-
rendon's
administra-
tion.

At no antecedent period in the history of this country had the rights of property been more effectually protected than during the administration of Lord Clarendon. The subject was, for the first time, exempt from all taxation of which the legality was questionable. The people, it is true, were at one period heavily taxed — but it was in support of a popular war, and by the votes of a House of Commons which represented, perhaps as faithfully as any Parliament which had ever met, the feelings and opinions of the community at large.

The *person* of the subject was not equally secure. The writ of *habeas corpus* and trial by jury were not

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such efficient instruments of protection as they were subsequently rendered. Notwithstanding the statute of 16 Car. I. c. 10., the remedy thereby afforded to the prisoner was evaded. Not only did the imprisoning party postpone obedience till several successive writs had been issued, but, in the case of persons committed by the Privy Council, the issue of such writs was sometimes avoided by the neglect of the gaoler to calendar the prisoner; so that, as was objected in the case of Jenks, he might lie in custody "all his life-time without trial."* State prisoners were detained in custody for indefinite times; and an instance is recorded by Pepys, of a person named Moyer, imprisoned in 1661 for supposed participation in plots, who obtained his liberty *by purchase* in 1667. The Duke of Albemarle was to receive a portion of the stipulated bribe; but Lord Clarendon is not clear from the imputation of having lent himself to this traffic.† Such abuses strongly demanded remedy: and accordingly, in

* State Trials, vi. 1206.

† Pepys, iii. 220. 221. 285. The following is Pepys's statement, respecting this affair, from which the reader may judge how far Lord Clarendon is inculpated:—"May 16. 1667. This afternoon Mr. Moore came to me, and then, among other things, did tell me, how Mr. Moyer, the merchant, having procured an order from the King, and Duke of York and Council, with the consent of my Lord Chancellor, and by assistance of Lord Arlington, for the releasing out of prison his brother, Samuel Moyer, who was a great man in the late times in Haberdashers' Hall, and was engaged under hand and seal to give the man that obtained it so much in behalf of my Lord Chancellor; but, it seems, my Lady Duchess of Albemarle had before undertaken it for so much money, but hath not done it. The Duke of Albemarle did the next day send for this Moyer, to tell him that, notwithstanding this order of the King and Council's being passed for release of his brother, yet, if he did not consider the pains of some friends of his, he would stop that order. This Moyer, being an honest, bold man, told him that he was engaged to the hand that had done

April, 1668, a bill to prevent the refusal of the writ of *habeas corpus* was brought into the House of Commons, but did not pass. Another to the same effect was passed by the Commons, but stopped by the Lords, in the spring of 1670. But the Commons persevered, and in 1674 appointed a committee to consider the subject of commitment by the King's warrant and by the Privy Council, and sent up to the Lords a bill for the prevention of illegal imprisonment. It was stopped, like the former; and so also was a bill of the same nature in the following year. In 1676, Jenks's case called public attention to the abuses permitted under the existing state of the law *: and in 1679, (the Commons continuing with exemplary perseverance to press the adoption of a remedy upon the obstructive Lords,)

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"the thing, to give him a reward; and more he could not give, nor own any kindness done by his Grace's interest; and so parted. The next day, Mr. Edward Savage did take the said Moyer in tax about it, giving ill words of this Moyer and his brother; which he, not being able to bear, told him he would give to the person that had engaged him what he promised, and not any thing to any body else; and that both he and his brother were as honest men as himself, or any man else; and so sent him going, and bid him do his worst. It is one of the most extraordinary cases that ever I saw or understood, but it is true." Again, Pepys says, the same informant "tells me a little more of the baseness of the course taken at Court in the case of Mr. Moyer, who is at liberty, and is to give 500*l.* for his liberty: but now the great ones are divided who shall have the money; the Duke of Albemarle on one hand, and another Lord on the other, and that it is plain they ended by having the person's name put into the King's warrant for his liberty, at whose intercession the King shall own that he is set at liberty; which is a most lamentable thing, that we do professedly own that we do these things, not for right and justice sake, but only to gratify this or that person about the King."

* State Trials, vi. 1189—1208.

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the Habeas Corpus Act was at length passed. It was passed, but not without great difficulty. "The committees of the two Houses," says Ralph, "met several times upon it without coming to any agreement, insomuch that the completion of the bill was put off to the last hour of the sessions; and even then the Commons were glad to admit of the Lords' amendments, that they might have the merit, and their fellow-subjects the benefit, of so useful a law."*

Coercion
of Jurors.

One of the most dangerous infringements on the liberty of the subject, which crept in soon after the Restoration, was the coercion of jurors by fine and imprisonment, when they refused compliance with the directions of the Court. The evil was progressive, and its course is thus traced by Sir Matthew Hale:—"The fines set upon grand inquests began. Then they set fines upon the petit juries, for not finding according to the directions of the Court. Then afterwards the Judges of *nisi prius* proceeded to fine jurors in *civil* causes, if they gave not a verdict according to direction, *even in points of fact*. This was done by a judge of assize (Justice Hyde, at Oxford, Vaughan, 145.) in Oxfordshire, and the fine estreated; but I, by the advice of most of the Judges of England, staid process upon that fine."†

* Ralph's History of England.

† Hale's Pleas of the Crown. Two cases are recorded in which Chief Justice Keeling fined jurors; the one, because they would not find parties guilty of keeping a conventicle, under the Conventicle Act; the other shall be given in the words of Keeling himself, who by his own

Chief Justice Keeling also rendered himself obnoxious by similar attempts to intimidate jurors. His conduct was made the subject of Parliamentary inquiry in 1667, and it was resolved that his proceedings were innovations, and that he should be brought to trial. Keeling obtained permission to be heard before the House in his own defence; after which the Commons resolved to proceed no further against him, and contented themselves with placing on their Journals a resolution, "That the precedents and practice of fining or imprisoning jurors is illegal."* A bill was introduced to declare the fining or imprisoning of jurors to be illegal, but it did not pass the House of Commons. It seemed as though the Commons had been actuated less by a desire to suppress a reprehensible practice, than to assail a Judge who had been promoted by Clarendon. Far from the practice being suppressed, or even discountenanced, the public witnessed in 1670, at the Old Bailey, more flagrant attempts to intimidate jurors, of which we

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showing was clearly wrong. It was the case of "Henry Hood, indicted for the murder of John Newen; and upon the evidence it appeared that he killed him without any provocation, and therefore I directed the jury that it was murder; for the law in that case intended malice: and I told them they were judges of the matter of fact, viz., whether Newen died by the hand of Hood; but whether it was murder or manslaughter, that was matter in law, in which they were to observe the direction of the Court. But, notwithstanding, they would find it only manslaughter; whereupon I took the verdict, and fined the jury 5*l.* a-piece, and committed them to gaol till they found sureties to appear at the next assizes!"

* Com. Journ. Dec. 13. 1667.

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XIX.Proclama-
tions.

have evidence in the recorded conduct of the Court on the trial of Penn and Mead; and in the subsequent proceedings against Bushell.*

The liberty of the subject was not violated, under the administration of Lord Clarendon, by any gross exercise of power in the issue of Proclamations. Some were indeed issued, of which the legality might be questioned—such as, in 1665, that all persons who had served in the army of the Commonwealth should retire above twenty miles from London; and, on the 13th of September, 1666, after the fire of London, that no house thenceforward should be built of wood,—that the rebuilding should be executed according to a specified design,—and that the Mayor and Aldermen might cause any to be pulled down which might be commenced in defiance of these rules. But these acts of power must be viewed in connection with the temporary urgency of the circumstances which called them forth. The apology for the former, was the well-grounded fear of internal commotion in a time of war,—for the latter, the reasonable apprehension that many persons would attempt to rebuild the city on objectionable plans before the legislature could apply a remedy. It may also be pleaded for the latter proclamation, that it was issued at the instance of the civic authorities, so that “if ever,” says Ralph, a jealous observer of arbitrary proceedings, “such a strain of the prerogative would admit of palliation, it was now,

* State Trials, vi. 951—1025.

“ when the city lay in ruins, when all were in
 “ haste to rebuild, and the mistakes, trespasses,
 “ and injuries which were like to follow there-
 “ from, would probably create as much confusion
 “ as the fire had left; and that the King sweetened
 “ the harshness of this decree, with a signification
 “ of his intention to part with any thing of his own,
 “ which might render the city more commodious
 “ or beautiful, and to remit the hearth-money duty
 “ to all those who should conform to the terms
 “ prescribed by it.”*

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It cannot be asserted in behalf of Lord Clarendon,
 that he was adverse to such assumptions of power.
 He is charged by *himself* with having advised a
 proclamation much more objectionable than those
 before mentioned, and with having sought to curb
 the liberty of speech. His self-accusation shall be
 given in his own words :—“ One day his Majesty
 “ called the Chancellor to him, and complained
 “ very much of the license that was assumed in the
 “ coffee-houses, which were the places where the
 “ boldest calumnies and scandals were raised and
 “ discoursed amongst a people who knew not each
 “ other, and came together only for that commu-
 “ nication, and from thence were propagated over
 “ the kingdom; and mentioned some particular
 “ rumours which had been lately dispersed from
 “ these fountains, which on his own behalf he was
 “ enough displeased with, and asked what was to
 “ be done in it. The Chancellor concurred with

* Ralph's Hist. of Eng.

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“ him in the cause of the scandal, and the mischief
“ that must attend the impunity of such places,
“ where the foulest imputations were laid upon
“ the government, which were held to be lawful
“ to be reported and divulged to every body but
“ to the magistrates, who might examine and
“ punish them ; of which there having yet been
“ no precedent, people generally believed these
“ houses had a charter of privilege to speak what
“ they would without being in danger to be called
“ in question ; and that it was high time for his
“ Majesty to apply some remedy to such a growing
“ disease, and to reform the understanding of those
“ who believed that no remedy could be applied
“ to it. That it would be fit, either by a procla-
“ mation to forbid all persons to resort to those
“ houses, and so totally to suppress them ; or to
“ employ some spies, who being present in the
“ conversation, might be ready to charge and
“ accuse the persons who had talked with most
“ license in a subject that would bear a complaint ;
“ upon which the proceedings might be in such a
“ manner, as would put an end to the confidence
“ which was only mischievous in those meetings.
“ The King liked both expedients, and thought
“ that the last could not justly be made use of till
“ the former should give fair warning ; and com-
“ manded him to propose it that same day in
“ Council, that some order might be given in it.
“ The Chancellor proposed it, as he was re-
“ quired, with such arguments as were like to
“ move with men who knew the circumstances

“ which arose from those places ; and the King
 “ himself mentioned it with passion, as derogatory
 “ to the government, and directed that the At-
 “ torney might prepare a proclamation for the sup-
 “ pression of these houses, in which the Board
 “ seemed to agree ; when Sir William Coventry,
 “ who had been heard within few days before to
 “ inveigh with much fierceness against the per-
 “ mission of so much seditious prattle in the im-
 “ punity of these houses, stood up and said, ‘ that
 “ ‘ coffee was a commodity that yielded the King a
 “ ‘ good revenue, and therefore it would not be just
 “ ‘ to receive the duties and inhibit the sale of it,
 “ ‘ which many men found to be very good for their
 “ ‘ health,’—as if it might not be bought and drunk
 “ but in those licentious meetings ; — ‘ that it had
 “ ‘ been permitted in Cromwell’s time, and that
 “ ‘ the King’s friends had used more liberty of
 “ ‘ speech in those places than they durst do in any
 “ ‘ other ; and that he thought it would be better
 “ ‘ to leave them as they were, without running
 “ ‘ the hazard of its being continued, notwith-
 “ ‘ standing his command to the contrary.’ And
 “ upon these reasons his Majesty was converted,
 “ and declined any further debate, which put the
 “ Chancellor much out of countenance ; nor knew
 “ he how to behave himself.” *

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The measure recommended by Clarendon was carried into effect in 1675, a proclamation for shutting up coffee-houses being issued in December of that year : but the opinion, generally entertained

* Life of Clarendon, iii. 104—106.

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Restric-
tions on the
Press.

June 7.
1660.

and loudly expressed, of its questionable legality, soon compelled the government to recall it.*

Jealousy of the press had been exhibited by every government since the commencement of the civil war. The Long Parliament had issued ordinances against unlicensed printing in 1643, 1647, 1649, and 1652, similar in character to the Star-chamber decree of July 1637, which had limited the number of printers and presses, and prohibited all new publications which had not been previously approved by licensers.† The press was not less jealously watched and rigorously restricted under the sway of Cromwell‡; and it was but natural that a restrictive system should also be adopted by the government of the restored King. Vigilance was displayed early; and on the ninth day after the Restoration it was ordered in Council, that the Stationers' Company should seize, and deliver to the Secretary of State, all copies of Buchanan's "History of Scotland," and "*De jure regni apud Scotos*," as being "very pernicious to monarchy, and injurious to his Majesty's blessed progenitors."§ But no attempt was made to arm the executive with authority derived from parliament, till the summer of the ensuing year, when, in July, 1661, a bill to restrain unlicensed and disorderly printing was read three times in both Houses; but in consequence of an amendment inserted by the Lords, which exempted

* North's Examen, 138. North's Lives, i. 317.

† Rushworth, iii. Appendix, 306, &c.

‡ Godwin, iii. 342, &c.

§ Kennet, Register, 176.

the dwelling-houses of peers from search, and to which the Commons did not agree, the bill was dropped for that session.* In the following session, the consideration of this question was renewed; and an act was passed, which prohibited the printing and publishing of all books and pamphlets, unless entered with the Stationers' Company, and licensed in a manner therein provided. Books of law were to be licensed by the Lord Chancellor or one of the Chief Justices; books of history or politics, by the Secretary of State; of divinity, science, or philosophy, by the Archbishop of Canterbury or the Bishop of London; of heraldry, by the King at Arms. Unlicensed copies might be seized under a warrant from a Secretary of State, or the Master and Wardens of the Stationers' Company. Printing was confined to London and York, and the Universities. The number of master printers was limited to twenty; and they were obliged to give security, affix their names to their publications, and declare their authors if required by the licenser. This act, which was only for three years, was twice renewed, and finally expired in 1679. Roger L'Estrange, a noted pamphleteer, was appointed licenser; and, through his activity, many persons were apprehended. Of these, Twyn, the printer of a seditious book, was tried for high treason, and suffered death in February, 1663. The book was intitled "A Treatise of the Execution of Justice, wherein

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* Lords' Journ. July 29, 1661. Com. Journ. July 27—29, 1661.

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“ is clearly proved, that the Execution of Judgment and Justice is as well the People’s as the Magistrates’ Duty ; and if the Magistrates pervert Judgment, the People are bound by the Law of God to execute Judgment without them and upon them.” Particular passages were not quoted on the trial, but the indictable matter was said to be in substance as follows :— “ 1. The Supreme Magistrate is made accountable to the people. 2. The People are rebelliously invited to take the management of the government into their own hands. 3. They are animated to take up arms, not only against the person of his sacred Majesty, but likewise against the royal family. 4. They are stirred up to a Revolt (in that very term) as an action honourable and conscientious ; making publication, in the next clause, of encouragement to any town, city, or county in the three nations to begin the work. 5. The people are laboured, not only to cast off their allegiance to the King, but, in direct terms, to put his sacred Majesty to death. And to the purposes before mentioned, tends the whole scope of the Treatise.”* If this description truly conveyed the meaning of the work, it cannot be denied that the publisher was justly amenable to punishment for having intended to scatter such fire brands among the people at such a time. But the indictment of Twyn for high treason, and the declaration of the Judge, that “ the publishing of this book is all

* State Trials, vi. 531.

“ one and the same as if he had raised an army
 “ to dethrone the King*,” were violent stretches
 of the law ; and the conduct of the Lord Chief
 Justice Hyde towards the prisoner was charac-
 terized by an unfairness, disgusting and disgraceful,
 but, unhappily, not rare in the judicial proceedings
 of that century.

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Three printers and booksellers, Brewster, Dover, and Brooks, were at the same time proceeded against at common law, for a misdemeanor, in having printed and published “ the “ Speeches and Prayers ” of Harrison, and other regicides, and a book called “ The Phœnix, or “ Common League and Covenant.” They were told to be thankful that they were not indicted for a capital offence ; and, indeed, when their offences are compared with that of Twyn, it must be confessed that either he was treated with inordinate severity, or they with unusual mildness ; for the “ Phœnix ” appears to have been of as dangerous a tendency as Twyn’s “ Treatise,” justifying rebellion against the King for breach of the solemn league and covenant. They were harshly treated during their trial, and the Judge unfairly summed up and charged the jury against them. But their punishment was comparatively mild. Brewster was fined 100 marks, Dover and Brooks 40 marks each, and they were all condemned to stand twice in the pillory ; then to be imprisoned till the next gaol delivery, when they were to make

* State Trials, vi. 534.

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 XIX. as might be directed, and be bound, themselves in
 400*l.* a-piece, and two sureties for each of them,
 in 200*l.* a-piece, that they should not print or pub-
 lish in future any books, but such as might be
 allowed.*

The grossest case of legal persecution was the indictment of Keach, at Aylesbury, in 1664, for having published a work, called "The Child's Instructor, or a new and easy Primmer," in which were passages against infant baptism, and assertions that "the Saints shall reign with Christ on earth a thousand years," that "infants that die are members of the kingdom of glory, though they be not members of the visible Church," and that laymen may preach the Gospel. These were among the most offensive specimens of what the presiding Judge, Sir Robert Hyde, called "damnable doctrine." It was Keach's crime, not so much that he had published opinions having in them any abstract enormity, as that he was a member of a sect, which, since Venner's riot, had been considered dangerously disaffected. The presiding Judge behaved in a manner which proved him utterly unworthy of the situation he filled. He assailed the prisoner with foul abuse, threatened the jurors, spoke privately to one of them to induce them to agree, and overruled a flaw in the indictment, which by all rules of law should have

* State Trials, vi. 539—564. Kelyng's Reports, 23.

been considered fatal. The punishment adjudged by the Court was imprisonment for a fortnight; to stand twice in the pillory; to be fined 20*l.*; and to be required to find sureties for good behaviour and appearance at the next assizes, there to renounce his doctrine publicly. All this was carried into effect, except the recantation, which Keach refused, and with impunity. The punishment in this case, as in that of Brewster, Brooks, and Dover, was mild in comparison with the severities of the Star Chamber, and proves the progress of public opinion in discountenancing rigour towards such offenders: and it is evident, moreover, from the brutal conduct of the presiding judge, that the sentence was the most severe which public opinion would allow him to inflict.*

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Before Lord Clarendon is judged of as a minister, it is necessary to consider the footing on which the minister of that day stood, and keep in view some essential differences between the constitution of a government in the seventeenth and in the nineteenth century. Under the Stuarts, although there was frequently some one minister whose abilities and influence made him virtually paramount, yet there was not, as in modern times, any one *acknowledged* head, especially charged with the formation of a ministry, pledged to some definite line of policy, and empowered to utter the collective sentiments of all the members of the Cabinet. The Sovereign

Ministerial
duties in
the 17th
century.

* State Trials, vi. 702. 710.

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was then the real head of the government; and the bond of union between its members was not assent to the policy of the premier, but submission to the will of the King. Office, too, was then regarded not so much in the light of a public trust, as of a mark of royal favour,—a favour not necessarily dependent on political opinions, and of which the forfeiture was discreditable. From the greater power then vested in the Crown, and the different relations then subsisting between the sovereign and the ministers, result all the other principal differences between a government at that period, and a government in the present century. The members of the government had not necessarily any common definite line of policy, because it was unnecessary that principles should have been professed by them which might constitute a ground for public confidence; and because their course was determined by the will of their master. They were the pledged executors, not of any particular measure to which they had in common vowed assent, but of all such legal and constitutional acts within the sphere of their respective functions, as the sovereign might enjoin. The responsibility of the minister was then acknowledged sufficiently to afford a legal remedy against serious malversations; and he who had offended against the law could not plead the command of the sovereign as an excuse for his offence. But that more refined responsibility to public opinion, that jealous maintenance of political honour, which is required in modern times, was not recognised, at the Restoration, as one of

the requisites of official life. The ministers of the Crown were not, as now, the servants of the public. They had made no promise to the people; they had engaged only to satisfy the King. Hence, it resulted that concurrence among the members of a government was not deemed essential, if the sovereign was willing to permit disunion; of which disunion instances occurred while Lord Clarendon held the seals. On two very important occasions, on which the agreement of the members of a cabinet would, in these times, be deemed essential—namely, the King's Declaration of Indulgence, and the Five Mile Act,—the ministry was divided against itself. The opposition offered by the Lord Treasurer Southampton to the latter measure was of the most earnest and uncompromising kind; yet he did not therefore resign his office, nor does it seem to have occurred to his contemporaries that on such account he ought to do so.

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Lord Clarendon's conduct with respect to the Declaration illustrates still more pointedly the difference between that period and the present. Disapproving of the Declaration, and its appendage—the bill which gave to the sovereign a dispensing power, which, by the King's direction, was brought into the Upper House by the Lord Privy Seal,—he did not therefore resign his office; but, armed with the influence which that office gave him, and supported by the Lord Treasurer, he opposed the measure, and succeeded in defeating it; and *thus* evinced his independence by braving

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the consequences of the King's displeasure. Though Clarendon was supported by the Parliament, his fall from office was expected: but the King required his services, and no ministerial change resulted from this formidable breach and remarkable struggle.

It further resulted from the tenure of office being based on the royal will, and not on the political principles of the holder, that it was not considered the duty of the minister to resign his office if he could not give effect to the principles he professed. His duty was to retain his office, not, indeed, at the expense of his principles (for he might, as we have seen, oppose his colleagues, and even his sovereign, without deeming it necessary to retire), but as long as was consistent with the pleasure of the Crown. There was then in the relation between the sovereign and the minister something analogous to that of master and servant in private life; and the official counsellor was like the faithful steward, who might deplore the extravagance of his employer, and the frequent rejection of the advice he tendered, but would deem it a breach of duty to desert him, and would regard a dismissal as a slur on his fidelity.

This view of office was strongly inherent in Lord Clarendon, and had been strengthened in him by peculiar circumstances. The reverses of the two sovereigns he had served had bound him more closely to their fortunes, and had made service synonymous with allegiance. If to adhere to them seemed a duty, it seemed not less a duty to defend

them. He must fight for them with tongue and pen; and there were times when, though he disapproved of their proceedings, it seemed ungenerous not to plead for the depressed. Something, too, must be attributed to the influence of professional habits. He had been a successful advocate before he became a politician; and it therefore seemed not unnatural that he should so write and speak, as though he held a brief for monarchy.

Hence, too, arose a disposition which has been very injurious to his fame. He was too willing to defend measures of which he did not cordially approve, pleading for them with a zeal which made him appear the original promoter. He resembled the general commemorated by Burnet, who, after delivering his opinion, "if the Council of War overruled it, even though he was not convinced by it, yet to all others he justified it, and executed his part with the same zeal as if his own opinion had prevailed."*

There is a chivalrous, generous spirit actuating conduct such as this, which often obtains for it greater favour than it really deserves. We may admire the feelings which influence the individual, but we ought to deprecate the example. There would have been fewer crimes recorded in history, if the possessors of power, whether sovereign, minister, faction, or mob, had not often found devoted followers, who made it their pride, their duty, almost their religion, to sacrifice opi-

* Burnet, iv. 171.

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nions, and to stifle a sense of right and truth, in behalf of the masters whom they served. There cannot be a higher duty than to follow the dictates of an honest conviction. The minister who defends what he disapproves, and, bravely assuming a responsibility which he might have avoided, screens the defects of an objectionable measure, commits a crime against his country, and does, in truth, deserve more censure than if he had been the approver and proposer of the pernicious measure which he supports. Clarendon, therefore, must be held responsible for all those measures of which, (though he might not have suggested or originally promoted them), he allowed himself to be the apologist.

Character
of Clarendon
as a
Minister.

Of all the errors with which Clarendon was chargeable as a minister, three especially deserve notice, not so much on account of the culpability which they imply, as of the importance of their consequences:—1. He was the first who sanctioned secret communication and secret acceptance of money from France; thus establishing precedents for the infamous secret treaty of 1670, and Charles's pensioned dependence on Louis. 2. Through jealousy of the Presbyterians, and in compliance with the intolerance of Sheldon and others, he neglected to strengthen the Church of England, by establishing it, in conformity with the declaration of October, 1660, on so wide a basis as would have enabled it to resist more effectually the encroachments of the Roman Catholics. 3. Though he appears to have disapproved of war with the Dutch, he never-

theless did not oppose it; thereby entailing need-
 lessly on his country a vast amount of those evils
 which frequently neutralise all the benefits even of
 the most just, necessary, and successful wars.

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These errors in policy are connected with one prevalent defect; namely, a disposition to be too much contented with temporary expedients, and too little mindful of remote consequences. It may be doubtful whether in some men this tendency arises from want of foresight or from want of courage; for, from whichever source it comes, the appearances and consequences are usually the same. But, with respect to Clarendon, his firmness is impeachable rather than his sagacity. His writings afford an imperishable testimony, which renders it difficult to suspect the clearness of his perception and the accuracy of his judgment on men and measures. But boldness was not the characteristic of his policy; and a want of that quality is decidedly apparent in sundry parts of his official career. Fears, which a bolder minister would have set at nought, led him into inconsistencies, and caused him even to counteract the very objects which he had at heart. He wished to foster a respect for royalty, by enforcing decorum at the court, and economy in the expenditure; but he feared to apply those remedies which might have made the wish effectual. Failing in the attempt to check extravagance, he encouraged its continuance by endeavouring to conceal it; and he pointed out a source from whence its cravings might be supplied. It ought to have occurred to one not

CHAP. XIX. } too much engrossed by present convenience and present dangers, that Charles could not be trusted safely with such a resource as the secret bounty of Louis XIV., and that he would eventually sell himself to France.

In the settlement of the revenue, Clarendon showed that it was his wish, *in theory*, that the King should depend on his Parliament for supply ; but, fearful of parliamentary power, he endeavoured to render him independent in practice. Actuated by the same fear, he opposed the appropriation of supplies to purposes specified by the Parliament, though he knew that the absence of such appropriation lent facilities to the King's extravagance, and that the hope of diverting to other purposes the money obtained upon the plea of war, caused the King to wish for war. When the money so granted had been shamefully squandered, again the same fear of the power of the Parliament, and the evils of exposure, caused him to oppose that effectual remedy which the Commons offered in their commission for auditing the public accounts. Instead of daring to adopt such measures as might compel the King to retrench his expenditure, and reform his court, he contented himself with exciting displeasure by unpalatable and unheeded counsels, and by declining to pass under the Great Seal of England any grants to Lady Castlemaine. He abhorred the profligacy of Charles and his court, and would never permit his wife to visit the all powerful mistress ; but he feared to allow the influence of

opinion to operate upon the evils he deplored. His fears prompted him to screen from public censure the master whom he could not correct by his private admonitions; and, solicitous for appearance when the reality was lost, he proposed to secure to Charles a fuller impunity in his course of license, and to stifle the voice of the censorious people by suppressing coffee-houses, or employing spies. He abhorred the treatment which the Queen experienced from her husband; yet, through fear of the scandal of an open rupture, he could advise her to submit to insult, and to allow the King's acknowledged mistress to be a member of her household.

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Devoted to the interests of the Church of England, he wished to resist the encroachments of Popery; yet, through fear of the Presbyterians, he neglected to adopt those means which would have made resistance most effectual. He even counteracted his own designs; and, incited by undue fears to persecute the Protestant nonconformist, he united him by a bond of common interest with the persecuted Papist. The King's conduct at the close of 1662 showed the greater danger which Clarendon was incurring in his attempt to avoid the lesser; and then he endeavoured to retrieve his error by a firmness which, if he had exhibited it in other affairs, would probably have saved him from his disastrous fall in 1667.

If Clarendon had not overrated the insecurity of the throne, and the chance of a return to

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anarchy; if he had dared to trust for the defence of monarchy more to the intrinsic value of the institution, and less to means of screening from observation the faults which debased the sovereign of the day; if he had not wasted his great powers in palliating and temporising, and devising expedients for the emergencies of the moment, and defending measures which he did not approve; above all, if he had identified himself sufficiently with some worthy cause, and had shown himself resolute in the furtherance of that cause, it is scarcely possible that one so able, and comparatively so pure, should have been as powerless as his enemies found him. If he had made himself the fearless champion of a wise economy, the steady opponent of an unjust and ruinous war,—if he had insisted as firmly on maintaining the spirit of the Declaration from Breda, in its promised indulgence to tender consciences, as in adhering to the Bill of Indemnity and Oblivion, his great and eminently useful qualities would have been rewarded by the country at large with an acknowledgment more full, more cordial, more powerful to save, than that reluctant acknowledgment which he so hardly earned from his ungrateful master. Had he thus applied his great abilities, he might have despised the jests of Buckingham, and the manœuvres of Lady Castlemaine. He might have appealed to the country, not factiously as Shaftesbury did, but calmly resting his claim for its support upon substantial benefits gained or contended for; and a power thus based upon the

general good would have had foundations too wide and deep to be sapped successfully by mere intrigue. Lord Clarendon fell by a combination of adverse circumstances, and on the alleged ground of certain errors which he had committed: but that which rendered him defenceless was one vast error of *omission*. It was, that, having great abilities and great power, he had not averted evils under which the people groaned, and from which talents like his, otherwise directed, might have saved them.

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It is necessary to consider what may be pleaded in palliation of Lord Clarendon's errors. He committed a great offence in allowing Charles to receive money privately from France; but, as I have already stated*, he was thus endeavouring to supply a want which had not then been created by extravagance; and Charles had been so long while in exile, dependent on the bounty of foreign states, that his minister may be pardoned for having been insensible to the indignity of a position which the King's adversity had rendered unavoidable, and which only change of circumstances caused to be disgraceful. After the events of the preceding twenty years, he may be pardoned for having distrusted the attachment of the people to Monarchy,—for having considered that, as Charles I. lost his throne through the defects of his character, so might the character of the successor be more regarded than the abstract advantages of the institution; that it was essential,

* *Vide supra*, p. 136.

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therefore, that Charles II. should be personally an object of attachment and respect; and that, if Clarendon could not render him respectable by his admonitions, it was his first duty as a minister to endeavour to make him *seem* such.

His fear of the Presbyterians, and unwillingness to comprehend them within the pale of the established Church, is palliated, in some degree, by his recollection of the use which had been made of the Presbyterian pulpit in uprooting Monarchy, and might, perhaps, again be made in weakening it. The Papists, on the other hand, had been uniformly friendly to monarchical institutions; and, as they had been long an oppressed sect, and numerically not important, the danger to be apprehended from their secret encroachments might pardonably be overlooked, until certain overt acts, and a knowledge of the King's intention, brought home the danger to the mind of Clarendon. More excusable, too, than at any other period, except at the commencement of the Civil War, was the fear of the encroachments of the Parliament; and though, upon consideration, we may decide that Clarendon was unwise in his unwillingness to entrust them with a more efficient control of the public expenditure, yet we cannot deem it utterly unreasonable in one who had so lately seen the Parliament raise itself to supremacy upon the ruins of the throne.

Such were Clarendon's prevailing faults, and such the excuses by which they may be palliated.

He had also great merits. He had one merit,

rare and valuable at all times, but peculiarly so at such a period as the Restoration. He was not disposed (except, perhaps, when the interests of the Church were concerned), to govern in the spirit of a partisan. He aimed at appearing, not the leader of a political faction, but the minister of the nation,—a minister to whom royalist and republican might equally look up for justice. Oblivion of past differences, and the diffusion of a conciliatory feeling, were the beneficial objects of his policy ; and he braved unpopularity with the clamorous royalists, because he refused to act in a partial and exclusive spirit. He was not accessible to the charge of favouritism : he appointed judiciously and uprightly, selecting men with reference to their fitness, and not allowing past adherence to the royal cause to be a paramount title to employment. He “put the justice of the country in very good hands,” says Burnet, “and employed some who had been on the bench in Cromwell’s time, the famous Sir Matthew Hale, in particular.”* As a minister, he bore prosperity calmly and wisely ; was not blinded by the demonstrations of popularity which ushered in the King’s return ; or tempted to assume, for the sovereign, powers inconsistent with limited monarchy. His zeal in support of the prerogatives of the Crown was tempered with discretion ; and, if he entertained a jealousy of Parliaments, he allowed it not to appear in the commencement of his administration, but aimed at effecting a good

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* Burnet, i. 300.

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understanding between the King and the two Houses.

His industry was remarkable; and his correspondence while Chancellor shows to how great an extent he exercised a superintendence over the whole business of government, and especially the department of foreign affairs.

He was an able and effective speaker. Evelyn mentions his "eloquent tongue." Pepys gives, in his usual quaint manner, the following favourable testimony:—"I am mad in love with my Lord Chancellor, for he do comprehend and speak out well, and with the greatest easiness and authority that ever I saw man in my life." And he admires "his manner and freedom of doing it, as if he played with it, and was informing only all the rest of the company."* We have no records of his parliamentary eloquence, except those official speeches which were entered on the journals of the House of Lords; and these, being addresses carefully prepared, and containing authoritative expositions of the policy of the government, can afford no criterion of his ability in debate. As compositions, these addresses display considerable tact; handling judiciously subjects the most difficult; and contriving to mingle even playfulness with dignity, and to be sufficiently guarded, without assuming the appearance of mystery, and reserve.

Character
of Clarendon
as a
judge.

The means of exhibiting Lord Clarendon as an equity judge, and of estimating his efficiency in

* Pepys, iii. 62.

that character, are very scanty. The political functions of the Lord Chancellor then preponderated over the judicial functions much more than in recent times; and the choice of persons to fill that office shows that, in the opinion then current, high legal qualifications were by no means deemed essential. It was not held to be a valid objection against Lord Clarendon, that he had for twenty years ceased to practise at the bar; against his successor, Bridgman, that he was only a common law judge, and knew nothing of equity; or against Bridgman's successor, Shaftesbury, that, though he had studied law in his youth, he had never practised at all.

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1667.

There is no contemporary testimony of any weight with respect to the ability with which Clarendon performed duties for which the very different avocations of the preceding twenty years must have tended to unfit him. The statement made by the Speaker Onslow, on the authority of the Master of the Rolls (Sir Thomas Clarke), that Lord Clarendon never made a decree in Chancery without the assistance of two of the judges, implies a consciousness of want of knowledge, but does not prove that the precaution was required.* Pepys hears some causes tried before him, and says, "I perceive my Lord is a most able and ready man †:" but Pepys's authority on this point cannot be estimated very highly. There is evidence of Lord Clarendon having devoted his attention to the improvement of his Court and its

* Burnet, i. 161. *note.*

† Pepys, ii. 197.

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appendages, then labouring under the long-lived imputation of harassing the suitor by vexatious delay. In conjunction with Sir Harbottle Grimstone, Master of the Rolls, he framed some useful regulations, known by the name of "Lord Clarendon's Orders," for the better administration of the offices of the Masters in Chancery, and of the Six Clerks, as also respecting the examination of witnesses, the hearing of causes, injunctions, commitments, and sundry other branches of procedure in equity.*

Nor was law reform neglected by the legislature under Lord Clarendon's administration. It ap-

* See "Orders of the Court of Chancery, published by Lord Clarendon and Sir Harbottle Grimstone, for reforming Abuses in the said Court." The nature and title of the principal orders were as follows:—"Order for securing brevity and succinctness in bills.—If there be scandalous matter in a bill, the Master in Chancery is to expunge it.—All bills are to be dated the day they are brought into the Six Clerks' Office; and none to be of record until filed with the Six Clerks.—Every subpoena is to be served personally.—Every demurrer is to express the cause of demurrer, and to be entered with the Register within eight days of the filing.—Order regulating how answers, and exceptions to answers, are to be drawn.—No witness to be examined without the privity of the adverse party. When examined upon a schedule of interrogatories, no new interrogatories shall be put in.—For preventing of perjury and other mischiefs often appearing to the Court, the examiner is to examine the deponent to the interrogatories described *seriatim*, and not permit him to read over, or hear read, any other interrogatories, until that in hand be partly finished.—The examiner shall not examine any witness to invalidate the credit of any other witness, but by special order of the Court.—No commission *ad examinandum testem* shall be executed in London, or within ten miles thereof, without special order first obtained, upon affidavit of the party's inability to travel, or other good matter.—Injunction for stay of writ shall not be granted upon petition without notice, and a copy of the petition first given to the other side." The orders also contain regulations respecting the setting down causes for hearing; proceedings in hearing causes; processes of contempt; commitments upon affidavit; decrees and dismissions; the duties of the Master in Chancery, respecting the passing exemplifications of depositions, and the taking affidavits; respecting writs of *clausum fregit*; admittances to plead *in formâ pauperis*, &c.

appears from the Journals of the House of Commons, that on October 5. 1666, it was resolved, "That a Committee be appointed to confer with such of the Lords, the Judges, and other persons of the long robe, who have already taken pains, and made progress in perusing the statute law; and to consider of repealing such former statute laws as they shall find necessary to be repealed; and, if expedient, of reducing all laws of one nature under such a method and head as may conduce to the more ready understanding and better execution of such laws." * Lord Clarendon was deprived of the seals in the following year; and no fruits of this laudable project of consolidation and reform appeared during the short intervening period: but two acts, having the amendment of the law for their object, namely, — "An Act for prevention of vexations and oppressions by arrests, and of delays in suits of law," — and "An Act for avoiding unnecessary suits and delays †," were passed while he was in office.

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Little is known of Lord Clarendon's domestic life, nor can it be ascertained with certainty how he fulfilled the important relations of husband and of father. No inference can fairly be drawn from the infrequency of allusions to private events in the letters or other writings of one so immersed in public business; for silence does not necessarily imply that domestic topics were distasteful; and a

Personal
Character.

* Commons' Journals, Oct. 5. 1666.

† Car. 13. c. 2., 17. c. 8.

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home which furnished few events to be recorded may not improbably have been a haven of peace and happiness.

Wherever in his writings he has adverted to his wife, he has mentioned her in terms of affection and respect. Her death was deplored in language indicative of the deepest affliction; and the only letter from her to him, which I have discovered, is not that of one in whom fear predominated over love, but is characterised by playful ease and warm attachment. Nothing appears in his writings, or in those of others, which prove that he did not value her society above that of all other women: but it is observable, that, before the Restoration, he endured long separations from her and from his children; and it must be admitted, that though circumstances may have existed which would account satisfactorily for these separations, none have transpired which clearly show that the sacrifice was indispensable, and that the supposed necessity might not have been disregarded by one who valued very highly the happiness of domestic life. His conduct, on the discovery of his daughter's engagement with the Duke of York, proved that his affection was not proof against the influence of temporary irritation; but I have found nothing else recorded which warrants a presumption that he was wanting in tenderness towards his children. That they were not the companions of his banishment, is attributable, not to want of affection, but to the commands of the King; and had permission been granted, Lord Clarendon would have been

bound in duty to deprecate a proceeding so fraught with ruin to their prospects.

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He was capable of warm and constant friendships, and they were such as did credit to his judgment. Towards Falkland he displayed an attachment honourable to both; and his intimacy was long and strict with the most upright statesmen of that day — Southampton, Nicholas, and Ormond.

He appears to have been exempt from that common vice of greatness in former times — the encouragement of low flatterers; and it has never been shown that any interested adherent obtained an undue influence over him.

His devotional writings evince that the contemplation of religious subjects was a welcome and frequent exercise of his mind. His piety was calm and rational, not diverted from its even course, either by the laxity of the Royalists or the fanaticism of the Puritans. Its sincerity ought not to be denied, because it failed to rescue him from faults. It did display itself in his conduct. He nobly endeavoured, by precept and example, to stem the current of immorality, so prevalent after the Restoration; and, at the sacrifice of power, refused to countenance the King's excesses. In any age he would have been regarded as one who afforded a laudable example of the strict observance of moral duties; and he eminently deserved that praise, if it be considered with what a rank and rapid growth vice was flourishing around him.

Yet he was not ascetic and morose. He loved

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society, and contributed to its pleasures by the vivacity of his conversation. Burnet even complains that "he had too much levity in his wit, "and did not always observe the decorum of his "post," a statement not corroborated by other writers, and (unless it is to be understood in a very mitigated sense) rendered questionable by acknowledged facts. If he had been guilty of levity and indecorum, he could scarcely have ventured to reprove the Court, without laying himself open to insulting retorts, which it does not appear that he ever received. His levity, certainly, was not such as could make him acceptable to Charles and Charles's boon companions ; and he confidently avers, respecting himself, that "he was never heard "to speak a loose or profane word."

He confesses that he "indulged his palate very "much, and took even some delight in eating and "drinking well, but without any approach to "luxury ; and, in truth, rather discoursed like an "epicure, than was one ;" and this is the only sensual delinquency of which he has ever been accused.

He confesses that he "was in his nature inclined to pride and passion* ;" and the truth of this confession is supported by various evidence. Irritability of temper appears to have been the failing which beset him most, and was most injurious to his interests. Ebullitions of anger were not always repressed even during the transaction of public business, and in the presence of the

* Life of Clarendon, i. 77.

King; and when Charles assigned Clarendon's "intolerable temper" as the sole cause of removal from office, he probably selected it, not as constituting the most cogent reason, but as being the most notorious fault.

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His energetic and unwearied industry is a remarkable feature of his character. He was undeterred by labour, and insatiable in the acquisition of knowledge. In one of the Scilly Isles, a fugitive from the pursuit of the victorious Parliament, still in danger of capture, after severe toils and disheartening reverses, with a moral courage rare and admirable, he employed a brief period of forced abstinence from other business in commencing the composition of his celebrated history. At Jersey he pursued his arduous task; and during his last exile, advanced in years, broken in health, disappointed in hopes, fallen, persecuted, and maligned, he again resumed it, and sought serenity and solace in a course of severe and incessant occupation. In Jersey he found time also for classical and legal studies. In Spain, he diligently studied Spanish; and in his last exile, when past the age of sixty, among a multiplicity of other employments, he applied himself to the improvement of his knowledge of French, and to the acquisition of the Italian language.

Among his services to literature and science, it must not be forgotten that he promoted the establishment of the Royal Society, and received the public thanks of that learned body for his conduct; which, as they express it, has "wiped away the

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“ aspersions that has been scandalously cast on the
“ profession of the law, that it is an enemy to
“ learning and the civil arts.”*

In November, 1660, he received from the University of Oxford the compliment of election to the high office of Chancellor of the University, which he resigned, after his retirement from office, in 1667.

The merit of his mental energy is enhanced by the obstacles of bodily infirmity, over which it so gloriously triumphed. His health was impaired by frequent illness; and often during his administration was he prevented from attending in Parliament; and the Lord Chamberlain, the Lord Privy Seal, or the Lord Chief Justice of the Common Pleas, was appointed Speaker, *pro tempore*, in his absence.† He was frequently disabled from waiting on the King; and often, that the benefit of his valuable advice might not be lost, a Council was held at Lord Clarendon's residence, and the King himself attended there.

He was a lover of splendour, and appears to have been open to the charge of ostentation. But the magnificence at which he aimed had at least the merit of being of a refined and intellectual

* Sprat's History of the Royal Society, p. 143.

† The Journals show that he was absent, by reason of illness, from July 17. 1661, to the end of that session, July 30.;—from the beginning of the next session, November 20. 1661, to December 19.;—from May 3. 1662, to May 14.;—from the beginning of the session, February 18. 1663, to March 12.;—from the beginning of the session, March 16. 1664, to April 26.;—the whole of the session beginning November 24. 1664, and ending March 2. 1665.;—from October 16. 1665, to the end of the session, October 31.;—and from January 7. 1667, to the end of the session, February 8.

kind. He formed a large and valuable library, and a choice collection of medals. "To adorn his stately palace," says Evelyn, "he collected the pictures of as many of our famous country-men as he could purchase or procure." Evelyn then enumerates a long list of men most illustrious in the history of England — statesmen, warriors, lawyers, and ecclesiastics — whose portraits Lord Clarendon possessed; adding, "And what was most agreeable to his Lordship's general humour, old Chaucer, Shakspeare, Beaumont and Fletcher, who were both in one piece, Spenser, Mr. Waller, Cowley, Hudibras*, which last he placed in the room where he used to eat and dine in public."†

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Of the pictures in his collection Evelyn states that many were gifts, and that "when his design was once made known, every body who either had them of their own, or could purchase them at any price, strove to make their court by these presents; by which means he got many excellent pieces of Vandyke, and other originals of Lely, and the best of our modern masters' hands;" and Lord Dartmouth, in a note to Burnet's History of his own Times, echoing the virulence of the Cavalier party, founded upon this circumstance a charge of corruption, asserting that Clarendon House was "furnished chiefly with Cavaliers' goods, brought thither for peace offerings, which the right owners durst not claim

* Butler.

† Evelyn, iv. 307.

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“when they were in his possession;” and that “whoever had a mind to see what great families had been plundered during the civil war, might find some remains either at Clarendon House or at Cornbury.” It may be admitted as a plausible hypothesis, that a Minister, in the plenitude of his power, might in those times prevent the owners from reclaiming property in his possession: but Lord Dartmouth had forgotten that a period arrived when Clarendon was an exile; and timid, indeed, must have been the rightful owner, who feared to prosecute a claim against him! It is insinuated that these gifts were bribes: but this is not proved; and proof must be required where probability is wanting to support the assertion. It may be said of these pictures, as of the Louvre books, that the ostentatious character of the gift destroyed the presumption that it was given for corrupt service, or was connected even remotely with transactions which either party should blush to own. Pope, writing in a venal age, has humorously illustrated the improbability of statesmen receiving bribes *in kind*:—

“A Statesman’s slumbers how this speech would spoil!

“ ‘ Sir, Spain has sent a thousand jars of oil,

“ ‘ Huge bales of British cloth blockade your door,

“ ‘ A hundred oxen at your levee roar.’ ”

Lord Clarendon’s books and pictures were presents still more ostensible, still more likely to excite inquiry than Pope’s imaginary bales and oxen.

But accusation stops not here. Lord Clarendon has been charged with the corrupt acquisition of inordinate wealth; and a charge so serious demands the most careful attention. Unfortunately the evidence which is extant is insufficient for a *complete* investigation. No means are found of unfolding, thoroughly, the whole state of his pecuniary affairs, and of knowing what he had rightfully received as the merited reward of his invaluable services. We know neither what emoluments he derived from office, nor what grants he received from the King. Yet enough is ascertained to enable us to judge whether it is *probable* that Lord Clarendon acquired *enormous* wealth by *undue* means.

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Pecuniary
Affairs.

In Lord Clarendon's petition and address to the Lords, he says, "I do assure your Lordships, and shall make it very manifest, that the *several* sums of money, and some parcels of land which his Majesty hath bountifully bestowed upon me since his return into England, are worth more than all I have amounts to."* This manifestation was not made. I can therefore only enumerate the grants of money and of lands of which I can discover any evidence.

According to Lord Clarendon, the King, in 1660, gave him 20,000*l.*† In April, 1662, he received, under the Great Seal of Ireland, a grant of a half year's rent, due from "Soldiers and Ad-

* Parl. Hist. iv. 394.

† Life of Clarendon, i. 385.

CHAP. "venturers in the counties of East and West Meath,
XIX. "Wexford, and Kilkenny," of which the promised amount was more than 20,000*l.*, and out of which, as he states in his *Vindication*, he never received more than 6000*l.**

According to Pepys, 20,000*l.* was given to him in February, 1664, by order of the Privy Seal, to clear the mortgage on his new purchase, Clarendon Park.†

The parcels of land which are known to have been granted to him in the years 1662, 1664, and 1666 were as follows:—twenty-nine acres and a half in Westminster; a house, called Caroon (or Caron) House, with gardens, situated in Lambeth‡, and an adjoining piece of ground, called the Park, containing ten acres; and the manors of Langley, Lee-fields, and Ramsden, with fifty-five acres of woodland; and a house with grounds belonging to it, all in Whichwood Forest in Oxfordshire. He also received a grant of the Rangership, and other manorial offices, in the royal Manors of Woodstock, Hamborough, Wotton, Stonefield, and Combe, in Oxfordshire, comprising herbage and pasturage, the lop and shred of trees in numerous woods, rents reserved on leases, and various manorial profits and

* Vol. III. p. 522.

† Pepys, ii. 159.

‡ Caron House, according to Lysons, was situated at South Lambeth, between Stockwell and Vauxhall, and was originally the mansion of Sir Noel Caron, ambassador from the States' General. "A small part of it," he adds, "remained till lately, was called Caron House, and occupied as an academy. It was taken down in the year 1809." Lysons' *Environs of London*, i. 239.

privileges, for the enjoyment of which he was to pay a rent of 134*l.* 1*s.* 10*d.** The lands in Westminster extended almost from Coventry Street to Hyde Park Corner, along the north side of Piccadilly, or, as it was then called, "the Highway leading to Hyde Park," which bounded this fine property on the south. Its value, even in those times, must have been considerable. We read, in Lord Clarendon's letter to his son, of his property of "Long Acre" mortgaged for 6000*l.*, by the sale of which he believed he could raise upwards of 8000*l.* It also appears that he possessed property at Whichcott in Oxfordshire, at Witney, (held under lease from the Bishop of Winchester †,) and at Twickenham ‡, of which the rents amounted to nearly 600*l.* a year; but there is no evidence to show whether he became possessed of these properties by grant, purchase, or exchange. §

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It may be inferred from the expression before quoted that the grants of money already enumerated were not all which Clarendon received; for he speaks of "*several* sums of money, and *some* parcels of "land," as if the former had been the most numerous. It may therefore be presumed that

* See CCXLVI. CCXLVII. CCXLVIII. CCXLIX. Vol. III. p. 524. *et seq.*

† "An estate called Yorke's Farm, parcel of the manor of Twickenham, became, about the year 1661, the property of Lord Chancellor Clarendon, who made Yorke House his summer residence for several years." Lysons' *Environs of London*, ii. 774.

‡ This appears from a paper in my possession in Lord Clarendon's handwriting.

§ Vol. III. p. 479. 484.

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the 46,000*l.*, which he is stated to have received in money, was not all which was thus bestowed. If it was all, it cannot be said, looking either at the bounty of other sovereigns or the services of other subjects, that such reward was lavishly conferred on the ablest servant of the crown, who had undergone peril and penury for the royal cause, and who in times of unparalleled difficulty had been his best champion in the war of intellect. It is indeed probable that more was given; but, even if this were not so, it may still be assumed that the value of all which has been shown to have been given to him, in money, lands, and manorial profits, must certainly have exceeded 60,000*l.* The average annual emoluments of the Chancellorship at that period cannot be ascertained. Pepys rates those of the Lord Treasurer at 8000*l.*; and it will be a very moderate estimate which rates those of the Chancellorship at 5000*l.* These means were not sufficient to exonerate him from the charge of gross imprudence in building a house, which, perhaps, cost not less than 50,000*l.*; but they materially invalidate the charge of corruption. Be it remembered that he left debts (as appears by a schedule dated January, 1668,) amounting to more than 40,000*l.*, of which less than 1000*l.* was paid off in April, 1669;—that such was the difficulty of paying off the remainder, that in 1674 he was subjected to the mortification of being threatened with seizure of his lands, for an undischarged debt to his early friend Sir George

Carteret* ;— and that he left his younger children without provision. Let these circumstances be remembered. Let us view, on the one hand, the ample means which he rightfully possessed, and, on the other, the debts which he left unpaid, and then, let it be asked, what do we find that countenances the *unproved* hypothesis of secret corruption? And by this word "*unproved*" is meant, not that mere absence of legal proof which is notoriously compatible with guilt, but that it was a charge of which no proof could be established by all the malice, wealth, and power of foes as formidable and inveterate as ever arrayed themselves against an individual. Then let us consider the favourable testimony of character and conduct, — the unimpeached disinterestedness of his early career, — the fearlessness, so opposite to the demeanour of guilt, with which, in the zenith of his supposed corruption, he braved unpopularity by assuming the appearance of wealth greater than he really possessed. Let all these circumstances be calmly weighed : and, when the inquiry shall (as I confidently assert) have redounded clearly to the honour of Clarendon, let us rise from it with the reflection, that we should discreditably renounce one of the most valuable advantages of our remote position, if, in estimating the characters of the great men of other times, who, because great, were envied and traduced, we lightly gave credence to the

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* Vol. III. p. 486. 535. *et seq.*

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unsubstantiated assertions of their contemporary enemies.

Such is the view of Lord Clarendon's character which recorded circumstances seem to warrant. They exhibit a character little diversified by those dark shades and brilliant traits which startle by the dazzling contrast, and charm in antithetical description. They show us one whose virtues, talents, and misfortunes, raise admiration mixed with pity, but never warm us to enthusiasm,—one not like the unjust steward, “wise in his generation,” gilding great crimes with great successes, yet not of that unbending virtue which merits the honours of political martyrdom—virtuous enough to have been the victim of a corrupt age, and yet not virtuous enough to claim unqualified veneration now. It is a character which neither attracts the imaginative admirer of eccentric greatness, nor fully satisfies the calm inquirer who searches solely for the good and useful. Yet to those who comprehensively and impartially view at once the person and the time, he will appear as one whose faults were few, compared with his merits, and measured by his temptations; whose services must be estimated not only by the good which he effected, but by the evils which he repelled; irascible, but not vindictive; firm in his friendships, without being implacable in his enmities; pious, but not fanatical; strict in morals, but not morose; of an industry almost unexampled, and endowed with an intellect, which, if it rose not

to that eminence of originality and power which
is the attribute of those few great minds which
shine forth as beacons to the world beneath them,
yet in activity, energy, versatility, and acuteness,
has very rarely found an equal, and, perhaps, has
never been surpassed.

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CHAPTER XX.

VIEW OF LORD CLARENDON'S WRITINGS. — HISTORY OF THE REBELLION. — LIFE AND CONTINUATION. — RELIGION AND POLICY. — CONTEMPLATIONS AND REFLECTIONS ON THE PSALMS. — ESSAYS. — ANSWER TO CRESSY. — SURVEY OF THE LEVIATHAN. — STATE PAPERS AND LETTERS. — GENERAL CHARACTER OF HIS WRITINGS.

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History of
the Rebel-
lion.

THE circumstances under which “The History of the Rebellion” was written, and the assistance which its author received, have already been described. It remains only that I should now offer a few remarks upon the character of this celebrated work. Few works have been more exposed to severe attacks, in consequence of undue praise. While a powerful party were eager to claim implicit deference to its authority, and to hold it up as the most faithful history of the civil wars, what wonder if others as clamorously decried it, and denied even such merits as it unquestionably possessed! We shall, perhaps, be aided, in an attempt to estimate the work aright, if we look at the declarations and professions of its author, respecting its nature, scope, and objects, and see how far it might be inferred from thence that an impartial history would be given to the world. He informed Lord Witherington that his object in writing was, “that posterity may see by what fatal degrees that *wickedness* hath grown prosperous, which,” he hopes, “is now at its

“height.”* He wrote to Charles I., saying, “I flatter myself with an opinion, that *I am doing your Majesty some service* in this excellent island, whilst I am preparing the story of your sufferings, that posterity may tremble at the reading of what the present age blushes not to execute.”†

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In the introductory part of the ninth book of “The History of the Rebellion,” before relating the events of the year 1645, he says, “Wherefore, as I first undertook this difficult work with his” (the King’s) “approbation, and by his encouragement, and *for his vindication*, so I entered upon this part of it principally that the world may see (at least if there be ever a fit season for such a communication, which is not likely to be in the present age,) how difficult it was for a prince, so unworthily reduced to those straits his Majesty was in, to find ministers and instruments equal to the great work that was to be done; and how unlikely it was for him to have better success under their conduct, whom it was then very proper for him to trust with it.”‡

He informed Nicholas, soon after the commencement of his labours, that he was writing a full description, out of which “*enough may be chosen to make a perfect story*, and the original

* Clarendon State Papers, ii. 246.

† Ibid. 293.

‡ Clarendon’s History of the Rebellion, v. 129.

CHAP. "kept for their perusal who may be the wiser for
 XX. "knowing the most secret truths."*

It nowhere appears that he intended to support the royalists by advancing what was false; but he professedly deemed himself at liberty to aid their cause by suppressing unfavourable truths.

"If I am deceived," said he to Colepepper, "all the service I can do is to burn my history; which, when it cannot continue those attributes which are due to the greatness and majesty of a King, under what misfortunes soever, shall cease to be, *and shall give no information to posterity when it cannot give that it would, and leave his memory happy, if his reign cannot be.*"†

He wrote to Nicholas, "*I care not how little I say in that business of Ireland, since those strange powers and instructions, given to your favourite, Glamorgan, which appear to me so inexcusable to justice, piety, and prudence‡;*" and, on turning to the history, it will be found that he has accordingly made *no allusion* to those transactions.

It is therefore evident that, though Lord Clarendon named his work a "History," he did not profess to invest it with that impartiality which is now considered one of the highest attributes of an historical composition; and that, if we try it by such a standard, we are exposing it to a test which the author would have deprecated.

* Clarendon's State Papers, ii. 289.

† Clar. State Papers, ii. 327. ‡ Clar. State Papers, ii. 337.

It is an apology — a vindication — an able and elaborate pleading, drawn up by an accomplished advocate, and founded on *ex parte* statements, supplied by the adherents of the King. This it is, and not a narrative which all may read, secure that they will thereby obtain a more correct knowledge of the events of the “Rebellion” than they would obtain respecting a question between two litigants, by hearing only the statement of the counsel for one of them.

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Lord Clarendon doubtless believed what he stated; but he wrote what he was instructed to accept as truth by the interested royalists who supplied him with materials. Oldmixon has compared “The History of the Rebellion” with “Whitelocke’s Memorials,” and asserts the superior accuracy of the latter; and probably few who have consulted both will refuse to acknowledge the truth of his assertion. But the superiority of Whitelocke in point of accuracy over Clarendon is referable to circumstances which leave untouched their respective general characters for veracity. Whitelocke’s work is, for the most part, merely a journal, in which, without any other apparent object than that of assisting his own memory, he has chronicled such passing events, as he might probably wish to recollect. He has not attempted to arrange his facts in any other order than that of time, or to investigate causes, or discuss principles. He scarcely assumes the tone of an historian; and may be said rather to have collected materials

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for a history than to have written one. Such a work would probably be more accurate than that of Clarendon, because events would be described as they came fresh to the knowledge of the writer; and it would naturally be more impartial, because not compiled for the purpose of vindication. It was composed too in a manner which gave fewer facilities for partial selection than are possessed by one who views a long series of events at once; and, dealing principally with matters of fact, and scarcely touching matters of opinion, it was less liable to betray a bias than a work in which disquisition was mingled with the narrative. The principal merit to which Whitelocke's work aspires is accuracy, while many qualities more resplendent adorn "The History of the Rebellion." The arrangement of its materials, the dignity of its tone, the happy combination of disquisition with description, the felicity of expression which it frequently displays, the development of motives, the discrimination of character, have received the warm and merited admiration of many generations of readers.

The last-named merit is, perhaps, that by which this history is peculiarly distinguished. A more exquisite gallery of descriptive portraits was never opened. They stand pre-eminent even when compared with the ablest delineations of character which other great writers have produced—possessing more delicacy than those of Burnet, more ease and apparent fidelity than Johnson's, more depth and completeness than Burke's. Lord Cla-

Clarendon's delineations are eminently adapted to the practical object of imbuing the reader with a clear impression of the person described. Nothing is sacrificed to epigram and antithesis. He aims at setting forth descriptions, not merely striking, but plain and full. He never indulges in an affectation of profundity, nor analyses the mind with painful minuteness, pretending to elicit peculiarities, which could scarcely be known to the individual portrayed. He describes those qualities which exhibit themselves in conduct, and respecting which, as they were most open to observation, he was least likely to be deceived. Yet he allows not subtle differences to pass unnoticed, but brings into light those delicate traits, which only a careful observation of conduct would have enabled him to detect. I have already noticed the admirable description of his lamented friend Lord Falkland. A few extracts from his sketches of other characters will recal more vividly to the minds of my readers his great ability as a delineator, than the most laboured account of the peculiarities of his manner: and, for this purpose, such shall be selected as have not been adverted to in this work, and have been little quoted by other writers.

Take, for an example, the following portraiture of the Lord Keeper Coventry: —

“ He was a man of wonderful gravity and wisdom, and understood
 “ not only the whole science and mystery of the law, at least equally
 “ with any man who had ever sat in that place, but had a clear concep-
 “ tion of the whole policy of the government, both of Church and
 “ State, which, by the unskilfulness of some well-meaning men, justled
 “ each the other too much.

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“ Though in his nature he had not only a firm gravity, but a severity, and even some morosity, (which his children and domestics had evidence enough of,) yet it was so happily tempered, and his courtesy and affability towards all men was so transcendent, and so much without affectation, that it marvellously reconciled him to all men, of all degrees; and he was looked upon as an excellent courtier, without receding from the native simplicity of his own manner. He had, in the plain way of speaking and delivery, without much ornament of elocution, a strange power of making himself believed, the only justifiable design of eloquence; so that though he used very frankly to deny, and would never suffer any man to depart from him with an opinion that he was inclined to gratify, when in truth he was not (holding that dissimulation to be the worst of lying), yet the manner of it was so gentle and obliging, and his condescension such, to inform the persons whom he could not satisfy, that few departed from him with ill-will and ill-wishes.

“ But then, this happy temper and these good qualities rather preserved him from having many enemies, and supplied him with some well-wishers, than furnished him with any fast and unshaken friends, who are always procured in courts by more ardour, and more vehement professions and applications, than he would suffer himself to be entangled with. So that he was a man rather exceedingly liked than passionately loved; insomuch that it never appeared that he had any one friend in the court, of quality enough to prevent or divert any disadvantage he might be exposed to.”

He thus describes the Attorney-General Noy:—

“ The court made no impression upon his manners; upon his mind it did: and though he wore about him an affected morosity, which made him unapt to flatter other men, yet even that morosity and pride rendered him the most liable to be grossly flattered himself, that can be imagined. And by this means the great persons who steered the public affairs, by admiring his parts, and extolling his judgment, as well to his face as behind his back, wrought upon him by degrees, for the eminency of the service, to be an instrument in all their designs; thinking that he could not give a clearer testimony that his knowledge in the law was greater than all other men’s, than by making that law which all other men believed not to be so. So he moulded, framed, and pursued the odious and crying project of soap; and with his own hand drew and prepared the writ for ship-money.”

The following are extracts from the character of Strafford : —

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“ He was a man of great parts and extraordinary endowments of nature, not unadorned with some addition of art and learning, though that again was more improved and illustrated by the other ; for he had a readiness of conception, and sharpness of expression, which made his learning thought more than in truth it was.”

“ He was, no doubt, of great observation and a piercing judgment, both into things and persons ; but his too good skill in persons made him judge the worse of things : for it was his misfortune to be of a time wherein very few wise men were equally employed with him, and scarce any (but the Lord Coventry, whose trust was more confined) whose faculties and abilities were equal to his : so that upon the matter he wholly relied upon himself ; and discerning many defects in most men, he too much neglected what they said or did. Of all his passions his pride was most predominant, which a moderate exercise of ill-fortune might have corrected and reformed ; and which was by the hand of Heaven strangely punished, by bringing his destruction upon him by two things that he most despised, the people and Sir Harry Vane.”

More lightly handled, but with much skill, is the following sketch of the Earl of Carlisle :—

“ He lived rather in a fair intelligence than any friendship with the favourites, having credit enough with his master to provide for his own interest, and he troubled not himself for that of other men, and had no other consideration of money, than for the support of his lustre ; and whilst he could do that, he cared not for money, having no bowels in the point of running in debt, or borrowing all he could.

“ He was surely a man of the greatest expense in his own person of any in the age he lived ; and introduced more of that expense in the excess of clothes and diet than any other man ; and was indeed the original of all those inventions, from which others did but transcribe copies.

“ He had a great universal understanding, and could have taken as much delight any other way, if he had thought any other as pleasant, and worth his care. But he found business was attended with more rivals and vexation ; and, he thought, with much less pleasure, and not more innocence. He left behind him the reputa-

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tion of a very fine gentleman, and a most accomplished courtier;
and after having spent, in a very jovial life, above 400,000*l.*, which,
upon a strict computation, he received from the crown, he left not
a house, nor acre of land to be remembered by.

And when he had in his prospect (for he was very sharp-
sighted, and saw as far before him as most men,) the gathering to-
gether of that cloud in Scotland, which shortly after covered both
kingdoms, he died with as much tranquillity of mind, to all appear-
ance, as used to attend a man of more severe exercise of virtue, and
as little apprehension of death, which he expected many days."

The Earl of Carnarvon, who fell at the battle
of Newbury, is thus portrayed: —

He was a person with whose great parts and virtue the world was
not enough acquainted. Before the war, though his education was
adorned by travel, and an exact observation of the manners of more
nations than our common travellers use to visit, (for he had, after
the view of Spain, France, and most parts of Italy, spent some time
in Turkey, and those eastern countries,) he seemed to be wholly de-
lighted with those looser exercises of pleasure, hunting, hawking, and
the like, in which the nobility of that time too much delighted to excel.
After the troubles began, having the command of the first or second
regiment of horse, that was raised for the king's service, he wholly
gave himself up to the office and duty of a soldier; no man more
diligently obeying, or more dexterously commanding; for he was not
only of a very keen courage in the exposing of his person, but an
excellent discerner and pursuer of advantage upon his enemy. He
had a mind and understanding very present in the article of danger,
which is a rare benefit in that profession. Those infirmities and that
license, which he had formerly indulged to himself, he put off with
severity, when others thought them excuseable under the notion of
a soldier. He was a great lover of justice, and practised it then
most deliberately, when he had power to do wrong: and so strict in
the observation of his word and promise as a commander, that he
could not be persuaded to stay in the west, when he found it not in
his power to perform the agreement he had made with Dorchester
and Weymouth. If he had lived he would have proved a great
ornament to that profession, and an excellent soldier, and by his
death the king found a sensible weakness in his army."

Of the Earl of Northumberland, Lord Clarendon says : —

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“ He was, in all his deportment, a very great man, and that which looked like formality was a punctuality in preserving his dignity from the invasion and intrusion of bold men, which no man of that age so well preserved himself from. Though his notions were not large or deep, yet his temper and reservedness in discourse, and his unrashness in speaking, got him the reputation of an able and a wise man; which he made evident in the excellent government of his family, where no man was more absolutely obeyed; and no man had ever fewer idle words to answer for; and in debates of importance he always expressed himself very pertinently. If he had thought the king as much above him, as he thought himself above other considerable men, he would have been a good subject; but the extreme undervaluing those, and not enough valuing the king, made him liable to the impressions, which they who approached him by those addresses of reverence and esteem, which usually insinuate themselves into such natures, made in him.”

Equally skilful in its discrimination is the following character of the Earl of Essex : —

“ He had no ambition of title, or office, or preferment, but only to be kindly looked upon, and kindly spoken to, and quietly to enjoy his own fortune: and, without doubt, no man in his nature more abhorred rebellion than he did, nor could he have been led into it by any open or transparent temptation, but by a thousand disguises and cozenages. His pride supplied his want of ambition, and he was angry to see any other man more respected than himself, because he thought he deserved it more, and did better requite it. For he was, in his friendships, just and constant; and would not have practised foully against those he took to be enemies. No man had credit enough with him to corrupt him in point of loyalty to the king, whilst he thought himself wise enough to know what treason was. But the new doctrine and distinction of allegiance, and of the king's power in and out of parliament, and the new notions of ordinances, were too hard for him, and did really intoxicate his understanding, and made him quit his own to follow theirs, who, he thought, wished as well and judged better than himself.”

The two last extracts may serve as examples,

CHAP. not only (in common with those which pre-
 XX. cede) of Lord Clarendon's ability in delineation, but also, in some degree, of the treatment which the characters of adversaries received at his hands.* He has been accused of gross unfairness

* The interesting work named "Memorials of Hampden," by Lord Nugent, charges Lord Clarendon with wilful misrepresentation of Hampden's character; speaks of "his unmitigated hatred of Hampden," and of "the uncontrolable bitterness with which he *always* mentions him;" calls him "one of his most jealous enemies," and states that "*Lord Clarendon never did justice to any opponent.*" In support of these charges, an instance is cited, in which the conduct of Hampden with respect to the attainder of Strafford "has been (designedly, as it appears,) confounded with that of others by Lord Clarendon." I can find no proof of the correctness of this accusation. Lord Clarendon is silent with respect to the part which Hampden bore in that transaction, as he is also silent with respect to his own. It is true that the conduct of Hampden, with respect to Strafford, has been connected (perhaps unjustly) with that of others, and exhibited in an unfavourable light—but not by Clarendon, but by Whitelocke, a writer of high authority, and an adherent to Hampden's party. Whitelocke says: "There was a proposal (the subject of much discourse) to prevent all this trouble, and to restore the Earl of Strafford to his power and honour, if the King would prefer some of the grandees to offices at court, whereby Strafford's enemies should become his friends, and the King's desires be promoted. It was, that ——— should be made Lord Treasurer; the Lord Say, Master of the Wards; Mr. Pym, Chancellor of the Exchequer; Mr. Hollis, Secretary of State; *Mr. Hampden, Tutor to the Prince*; others to have other places. In order whereunto, the Bishop of London resigned his Treasurer's Staff, the Lord Cottington his place of Master of the Wards, and the rest were easily to be voided. But, whether upon the King's alteration of his mind, or by what other means it came to pass is uncertain, these things were not effected; and the great men baffled thereby became the more incensed and violent against the Earl, joining with the Scots Commissioners, who were implacable against him." (Whitelocke's Memorials, 41.). This is an odious imputation; and if Clarendon, "who never did justice to any opponent," had wished to affix to his opponent Hampden an indelible stigma, what better means could he have taken than to confirm the statement made by Whitelocke? Now it is remarkable that he does confirm every part of it, *except that which relates to Hampden*; and, after repeating the names which Whitelocke had mentioned, and introducing some which he had omitted, adds that "others were to be placed about the Prince, and to have offices when

in his portraiture of those who were politically opposed to him. It cannot indeed be asserted, in his defence, that he depicted his enemies as favourably as his friends; and those who looked

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“they fell.” (Hist. Rebellion, i. 446.). Thus, instead of being the maligner of Hampden, he, by his silence, affords some grounds for questioning the accuracy of Whitelocke's statement; for it may reasonably be said that Clarendon would probably have mentioned the circumstance if he had known it, and that he would probably have known it if it had been true.

In searching for proofs of “the uncontrollable bitterness” with which Lord Clarendon “*always*” speaks of his opponent Hampden, the reader will perhaps be a little perplexed, by encountering such passages as the following. He was, says Lord Clarendon, “a very weighty speaker; and after he had heard a full debate, and observed how the house was like to be inclined, took up the argument, and shortly, and clearly, and craftily, so stated it, that he commonly conducted it to the conclusion he desired.” “The eyes of all men were fixed upon him as their *pater patriæ*, and the pilot who must steer the vessel through the tempests and rocks that threatened it.” “His usual cheerfulness and affability, together with the opinion of his wisdom and justice, and the courage he had showed in opposing the ship-money, raised his reputation to a very great height, not only in Buckinghamshire, where he lived, but generally throughout the kingdom.” “His carriage throughout this agitation was with that rare temper and modesty, that they who watched him narrowly, to find some advantage against his power, to make him less resolute in his cause, were compelled to give him a just testimony.” “He was of that rare affability and temper in debate, and of that seeming humility and submission of judgment as if he brought no opinion of his own with him, but a desire of information and instruction.” “He was indeed a very wise man, and of great parts, and possessed with the most absolute spirit of popularity, and the most absolute faculties to govern the people of any man I ever knew.” “He was very temperate in diet, and a supreme governor over all his passions, and had thereby a great power over other men's. He was of an industry and vigilance not to be tired out or wearied by the most laborious, and of parts not to be imposed upon by the most subtle and sharp, and of a personal courage equal to his best parts; so that he was an enemy not to be wished, whenever he might have been made a friend; and as much to be apprehended when he was so as any man would deserve to be.” These, perhaps, are sufficient specimens of that “uncontrollable bitterness” with which Lord Clarendon, who “*never*, *did justice to any opponent*,” “*always*” spoke of his opponent Hampden.

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for such a pitch of rigid virtue may pronounce him partial and unjust. But, in so doing, they are trying him by a test which they could scarcely venture to apply to any person of the present day, who, having mingled much in political struggles, should attempt to delineate the characters of his opponents. And yet, even the standard of the present times would be a more severe criterion than could with propriety be applied to Clarendon. The political opinions now entertained afford no plausible ground for impugning the moral characters of those who hold them. But, when "The History of the Rebellion" was written, the political opponent was, in the eyes of the Royalist, guilty of a heinous sin. The semblance of virtue in the enemy was a phenomenon which required explanation; and it was deemed dangerous to admit, that real morality could be compatible with so much "wickedness." In trying Lord Clarendon's fairness towards opponents, the question which should be asked is this; — whether he described them less favourably than he believed their characters deserved: and, when it is remembered that he regarded and designated their cause as "wicked," it will appear that, in some instances, he has assigned even more good qualities than, holding such an opinion, he might be considered justified in admitting.

Less able than the delineations of character are Lord Clarendon's descriptions of events. They are copious, clear, and, for the most part, sufficiently

minute; but they are deficient in graphic vigour. They have not the air of having proceeded from an eye-witness; and they fail to make a lively impression, and to place the scene described vividly before the reader. They address the judgment rather than the imagination; and, though they convey the requisite knowledge of facts, they do not often convey it so forcibly and succinctly as to render the acquisition easy and attractive, and infix the subject strongly in the memory.

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The account of the battle of Edgehill, at which Lord Clarendon was present, is a favourable example of his descriptive style. So also are the accounts of the battles of Stratton and of Newbury, and of the taking of Pontefract castle, recorded in the 11th book of the history.

The disquisitions, which are neither long nor frequent, are judiciously introduced, arising naturally from the previous subject, elevating the character of the whole, and relieving by variety, without too much interrupting the current of narration. They contain much disputable matter of opinion; but the views of the writer are so skilfully enforced, that, where they fail to produce conviction, they will at least deserve attention.

If any single isolated passage can afford a fair example of the discursive portions of the "History of the Rebellion," it is, perhaps, the following, wherein he enlarges upon the conflicting inconveniences and advantages of the transaction of business by a "multitude of counsellors": and

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the practical wisdom which it displays, will, doubtless, constitute a sufficient excuse for my laying it now before those readers who have already perused it in the original work.

“ They who avoid public debates in council, or think them of less moment, upon undervaluing the persons of some counsellors, and from the particular infirmities of the men, the heaviness of this man, the levity of that, the weakness and simplicity of a third, conclude that their advice and opinions are not requisite to any great design, are exceedingly deceived, and will perniciously deceive others who are misled by those conclusions. For it is in wisdom as it is in beauty, a face that, being taken in pieces, affords scarce one exact feature, an eye, or a nose, or a tooth, or a brow, or a mouth, against which a visible just exception cannot be taken, yet altogether, by a gracefulness and vivacity in the whole, may constitute an excellent beauty, and be more catching than another whose symmetry is more faultless; so there are many men, who in this particular argument may be unskilful, in that affected, who may seem to have levity, or vanity, or formality, in ordinary and cursory conversation (a very crooked rule to measure any man’s abilities, as giving a better measure of the humour than of the understanding,) and yet in formed counsels, deliberations, and transactions, are men of great insight and wisdom, and from whom excellent assistance may be contributed. And no question all great enterprises and designs that are to be executed have many parts, even in the projection, fit for the survey and disquisition of several faculties and abilities, and equally for the decision of sharper and more phlegmatic understandings. And we often hear, in debates of great moment, animadversions of more weight and consequence from those whose ordinary conversation is not so delightful than from men of more sublime parts. Certainly Solomon very well understood himself, when he said, ‘ *In the multitude of counsellors there is safety.*’ And though it were confessed that reason would be better discovered and stated, and conclusions easier made, by a few than by a greater number, yet when the execution depends on many, and the general interpretation so much depends on the success, and the success on the interpretation, we see those counsels most prosperous, whereof the considerations and deliberations have been measured by that standard which is most publicly acknowledged and received. And he

"hath had but small experience in the managing affairs who is not able
 "experimentally to name to himself some very good and useful con-
 "clusions, which have therefore only succeeded amiss, because they
 "were not communicated to those who had reason to believe them-
 "selves competent parties to the secret. There was seldom ever yet
 "that public-heartedness sunk into the breasts of men, that they were
 "long willing to be left out in these transactions, to the privacy whereof
 "they had a right. And therefore men have been often willing enough
 "any single advice should miscarry, of whatsoever general concern-
 "ment, rather than contribute to the fame of some one man who has
 "thought their approbation not worth the providing for. And though
 "the objection of secrecy and dispatch seems to favour a small number,
 "and a reservation of communicating, yet (except in those few cases,
 "which in their nature are to be consulted, and acted together, and
 "the full execution whereof may be by a few,) I am not sure that
 "the inconveniency will be greater by a necessary delay, or even
 "by such a discovery as may be supposed to proceed from the levity
 "of a counsellor, (futile and malicious natures ought not to be sup-
 "posed to be admitted into that rank of men,) than by wanting the
 "approbation and concurrence of those (admitting there could be
 "no benefit from their information) who will unavoidably know
 "it soon enough to add to, or take from, the success at least the
 "reputation.

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The "Short View of the State of Ireland," appended to the History of the Rebellion, which relates events in that kingdom from 1645 to 1652, is so similar in character to the former work that it requires no further separate notice.

Lord Clarendon's Life of himself, and the continuation to the Life written subsequently to his "History of the Rebellion," has many characteristics in common with that more celebrated work. But while it possesses, in a minor degree, the merits which adorned its predecessor, it exhibits more seriously the grave demerit of inaccuracy. He appears to have written it trusting

Life and
Continuation.

CHAP. too implicitly to a fallible memory. **Believing,**
XX. perhaps, that in the account of transactions com-
 paratively so recent, and in which he had been engaged, he was not likely to err, he has fallen into mistakes from which the most cursory reference to authentic documents might have saved him. It is probable that he was insufficiently provided with materials; for he mentions, in his Preface to the "Contemplations and Reflections on the Psalms," that a box containing papers which he did not want, instead of those for which he had asked, had been sent to him by mistake; and, as he states that the Continuation is a collection of materials "out of which his children, for whose information they are only collected, may add some important passages to his Life, as the true cause of his misfortunes," it is probable that he was willing to depend on them, who could refer more easily to the requisite documents, for the correction of any inaccuracies which he might inadvertently commit. It is to be observed that these inaccuracies are, for the most part, such as bear no appearance of design, but rather seem mere inadvertencies not tending to support any statement or argument in his favour, and quite compatible with the most perfect honesty of intention.

**Religion
and Policy.**

The work named "Religion and Policy, and the Countenance and Assistance each should give to the other; with a Summary of the Power and Jurisdiction of the Pope in the Dominions of other Princes," is devoted almost wholly to a

history of the growth and decline of papal power; and there is very little in it which tends to demonstrate "the countenance and assistance" which "religion and policy should give each other."

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Its practical tendency is to facilitate the repeal of penal laws against the Roman Catholics in England, by previously inducing them to renounce the Pope's supremacy. The following propositions are laid down:—that "It is the duty of sovereign "princes to preserve and provide for the advancement of religion and for the due exercise of it "in their several dominions;" that all such forms and observances as are not enjoined and determined in Scripture must be "provided for and "enjoined in each dominion by the authority "which is intrusted with the government of the "same:"—that "princes and kings, to whom the "necessary supreme trust is committed, cannot "transfer this trust to another over whom themselves have no authority:"—that "religion hath "sustained extreme scandal and damage in the "Pope's exorbitant affectation of superiority and "sovereignty;" and that "Catholic princes themselves and their subjects who continue their correspondence with the Pope, and do pay that "submission and obedience to him, do it not out "of any opinion of the divinity of it, nor do look "upon it as a vital part of their religion."

In the historical portion of the work, the author describes the successive encroachments of papal authority, and fully recounts the most remarkable instances in which princes adhering to the Romish

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communion have resisted the Pope's pretensions; showing that, practically, such authority is no essential part of the Roman Catholic religion; and that, even in Catholic countries, the consent of the ruler, strengthened by custom, and recommended by convenience, forms the basis on which it is founded.

The execution of this design, though it would be creditable to a writer of moderate reputation, cannot add fresh laurels to the literary fame of the great historian of the Rebellion. The historical portion is diffuse and weak; and the attention of the reader is not sufficiently directed towards the object of the work. He wades through much irrelevant narrative; he loses sight of the proposition to be established; and he reaches the close without having received that strong impression which might have been produced by a smaller number of condensed and well selected instances.

Contem-
plations
and
Reflections
on the
Psalms.

The "Contemplations and Reflections on the Psalms" were commenced at Jersey, and continued at Madrid and at Antwerp; and in 1651 were discontinued, after he had proceeded in regular order as far as the seventieth Psalm. The work was then laid aside; when the accidental circumstance of the manuscript having been unintentionally sent to him at Montpelier, in a box containing other papers, reminded him of it, and caused the task to be resumed in the winter of 1668. It was then carried on to the close, and was finished at Montpelier, in February, 1670.

Each Psalm successively is made the subject of

reflections, followed by a short appropriate prayer. The title of the work is tolerably descriptive of its nature. It is rarely critical or explanatory, but consists chiefly of the expression of thoughts suggested by some passage in each psalm, with applications of the Psalmist's words to the circumstances of the passing time, and the developement of such consolation as ought to be derived by a religious mind from the prosecution of such a study. The execution is not quite so successful as the great name of the author might lead us to expect. The effect of the collection is in some degree impaired by his prevailing fault diffuseness, and contains too much which, though true, is also very trite.

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I subjoin as a specimen of the style the following passage on Prayer, extracted from the "Contemplations and Reflections on the eighty-sixth Psalm:"—

"Prayer is not a formed exercise of devotion confined to any place, or time, or posture; God forbid we should no oftener be at our prayers than we are upon our knees; and yet it were well if we were in truth really praying, when we are in that posture of praying. But prayer is a habit of devotion which good men never put off, and inseparable from the whole life of a Christian; the mind is so formed to it, that no occasion, no company, no posture, no despatch of business interrupts it, and keeps it from prayer. Pray continually, is a Christian injunction, and a Christian practice, and gives no interruption to any honest and justifiable business of our vocation; nor can any place, or presence, or crowd, or noise, restrain a man from the performance of this duty, that is inclined to do it. He that at the first opening of his eyes in a morning, though it be in the Inquisition itself, or where he hath a guard upon him to keep him from praying, thinks of God Almighty, and of his bounty in giving him so sweet a repose, which his enemies have been without, hath said his prayers that morning. That soldier, who, in the field, and in his sharpest and most violent charge of the enemy, considers that

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General of both armies, and gives the victory
 fit, and depends only on him for his security,
 in the battle, and whilst he hath been giving
 prosecuting the fight. And that Judge, who
 remembers the obligations he hath to do justice,
 on he hath to God for having preferred him to that
 many who are in his presence, who were fitter and
 to perform it, hath said his prayers, and begged assistance from
 that noise and clamour of the bar; and very notable
 are acquired from and by those silent prayers. He who
 a signal honour from the King's hand upon his royal throne,
 the same time recollects that God hath sent it to him by the
 King's hand, and expects an exact performance of his duty to both,
 hath said his prayers in the King's presence, without offending any
 of decency; and he who celebrates his joy for this dignity
 received in the company of his friends, and in the greatest feasts and
 jollity, and reflects in his thoughts upon the goodness of God in
 giving him that just occasion of joy and cheerfulness, hath said his
 prayers in all that company, without disturbing the harmony of the
 feast. When God hath but once taught us to walk in his way, and
 hath united our heart to his fear, our praises of him in devout acknow-
 ledgment of what he hath done for us, and our prayers to him to con-
 tinue that bounty to us, and to make us worthy of it, will be one and
 the same service, and will neither interrupt our necessary business nor
 our lawful mirth. He who heartily desires to pray hath prayed, in
 what posture soever he is; the mental conceptions and applications
 of our heart being more powerful and efficacious than any form of
 words can be which are uttered by our tongue."

Essays.

It does not appear whether Lord Clarendon's
 Essays were originally intended for publication;
 for he has given no information respecting them,
 and the collection, published, as it is stated, "from
 his Lordship's original manuscripts" in 1727,
 is not preceded by any preface. It consists of
 twenty-five Essays, of which two were written
 at Jersey, one at Moulins: respecting four, the
 place and time are not stated; and the rest
 appear to have been composed at Montpellier in

the years 1668, 1669, and 1670, when he was also engaged in his "Contemplations and Reflections on the Psalms," to which they bear a marked resemblance. They are styled, "Reflections upon several Christian Duties, Divine and Moral, by Way of Essays," — a title not strictly applicable to all of them. It is not in brief exertations of this kind that the genius of Lord Clarendon thoroughly unfolds itself. His style is not aphoristic. The pregnant brevity, the neat and epigrammatic condensation of thought, which is most suitable to the essay, is utterly opposed to the stately diffuseness of his ample periods; and, instead of aiming at the more captivating exposition of the recondite and original, the unostentatious sobriety of his practical mind was, perhaps, too willing to admit *truisms* among truths, and to allow his Essays, like his "Contemplations and Reflections on the Psalms" to be encumbered with much which was trite and common-place. Nevertheless, these Essays (which, partly from the unattractive character of their style, partly from the bulky form in which they are published, have hitherto been little noticed,) are indisputably such as could have proceeded only from a richly stored and very reflective mind.

The most interesting Essays in the collection are, perhaps, those "On an active and on a contemplative Life," on "The Reverence due to Antiquity," and "Against the multiplying Controversies, by insisting upon particulars that are not necessary to the point in debate:" but

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they are too long for insertion ; and no sufficient justice could be done to them by detached extracts, or a brief analysis. The Essay on Industry, written at Montpelier in 1670, (the comparative brevity of which enables me to subjoin it entire,) may, however, be accepted as a fair example of their style.

“ Industry is the cordial that nature hath provided to cure all its own infirmities and diseases, and to supply all its defects ; the weapon to preserve and defend us against all the strokes and assaults of fortune ; it is that only that conducts us through any noble enterprise to a noble end : what we obtain without it is by chance ; what we obtain with it is by virtue. It is very great pity, that so powerful an instrument should be put into the hands of wicked men, who thereby gain such infinite advantages, yet it cannot be denied but that it is a virtue which ill men make use of to very ill purposes.

“ It was the first foundation of Jeroboam’s greatness : *And Solomon seeing the young man that he was industrious, he made him ruler over all the charge of the house of Joseph,* (1 Kings, xi. 28.) by which he got credit and authority to deprive his son of the greatest part of his dominions. There is no art or science that is too difficult for industry to attain to ; it is the gift of tongues, and makes a man understood and valued in all countries, and by all nations ; it is the philosopher’s stone, that turns all metals and even stones into gold, and suffers no want to break into its dwellings ; it is the north-west passage, that brings the merchant’s ships as soon to him as he can desire : in a word, it conquers all enemies, and makes fortune itself pay contribution. If this omnipotent engine were applied to all virtuous and worthy purposes, it would root out all vice from the world ; for the industry of honest men is much more powerful than the industry of the wicked, which prevails not so much by its own activity, as by the remissness and supine laziness of their unwary enemies. The beauty and the brightness of it appear most powerfully to our observation by the view of the contempt and deformity of that which is most opposite to it, idleness ; which enfeebles and enervates the strength of the soundest constitutions, shrinks and stupefies the faculties of the most vigorous mind, and gives all the destroying diseases to body and mind, without the contribution from any other vice. Idleness is the sin and the punishment of beggars, and should be

“detested by all noble persons, as a disease pestilential to their fortune
“and their honour.

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“I know not how it comes to pass, but the world pays dear for the
“folly of it, that this transcendent qualification of industry is looked
“upon only as an assistant fit for vulgar spirits, to which nature
“hath not been bountiful in the distribution of her store; as
“the refuge for dull and heavy men, who have neither their concep-
“tions or apprehensions within any distance, nor can arrive at any
“ordinary design without much labour and toil, and many unnecessary
“revolvings, which men of sharp and pregnant parts stand in no need
“of, whose rich fancy presents to them in a moment the views of
“all contingencies, and all that occurs to formal and elaborate men
“after all their sweat; that they view and survey, and judge and
“execute, whilst the others are tormenting themselves with imagina-
“tions of difficulty, till all opportunities are lost; that it is an affront
“to the liberality of nature, and to the excellent qualities she
“hath bestowed upon them, to take pains to find what they have
“about them, and to doubt that which is most evident to them, be-
“cause men who have more dim sights cannot discern so far as they;
“and by this haughty childishness, they quickly deprive themselves
“of the plentiful supplies which nature hath given them, for want of
“nourishment and recruits. If diligent and industrious men raise
“themselves, with very ordinary assistance from nature, to a great and
“deserved height of reputation and honour, by their solid acquired
“wisdom and confessed judgment, what noble flights would such men
“make with equal industry, who are likewise liberally endowed with
“the advantages of nature? And without that assistance, experience
“makes it manifest unto us, that those early buddings, how vigorous
“soever they appear, if they are neglected and uncultivated by serious
“labour, they wither and fade away without producing any thing that
“is notable. *Tully's* rule to his orator is as true in all conditions of
“life, *Quantum detraxit ex studio, tantum amisit ex gloria.*”

In writing his “Animadversions” on the book
entitled “*Fanaticism fanatically imputed to the*
“*Catholic Church,* by Dr. Stillingfleet, and the
“*Imputation refuted and retorted,*” Lord Clarendon was actuated by a laudable desire to vindicate the memory of his friend Lord Falkland. Cressy, the author of this work, who had been

Answer to
Cressy.

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known to Clarendon at Oxford, was under obligations to Falkland, having obtained through his influence a Canonry of Windsor, and the Deanery of Leighlin, in Ireland. Prevented by the civil wars from enjoying these preferments, Cressy retired to the Continent; and in 1646 renounced Protestantism, and in the following year published at Paris a work entitled "*Exomologesis*," being an account of the motives of his conversion to Romanism — a work of great repute and authority among the Roman Catholics of that time. He returned to England after the Restoration; and after Charles's marriage was taken into the service of the Queen, and again employed his pen in the cause of Romanism, by writing an answer to Stillingfleet's *Irenicum* — an answer in which he imputes Socinianism to Chillingworth, and to his former friend and patron Falkland.

"If," said Lord Clarendon, "the having read Socinus, and the commending that in him which nobody can reasonably discommend in him, and the making use of that reason that God hath given a man, for the examining of that which is most properly to be examined by reason, and to avoid the weak arguments of some men, how superciliously soever insisted upon, or to discover the fallacies of others, be the definition of a *Socinian*, the party will be very strong in all churches; but if a perfect detestation of all their opinions against the person and divinity of our Saviour, or any other doctrine that is contrary to the Church of England, (and the Church of England hath more formally condemned Socinianism than any other church hath done, as appears by the canons of 1640,) can free a man from that reproach, as without doubt it ought to do, I can very warrantably declare that that unparalleled lord was no Socinian; nor is it possible for any man, who is a true son of the Church of England, to be corrupted with any of these opinions. But, in truth, if Mr. Cressy hath that prerogative in logic, as to declare men to be Socinians, from some propositions which he calls principles, which,

“in his judgment, will warrant those deductions, though he confesses
 “he does not suspect the Doctor will approve such consequences, yet
 “he is confident with all his skill he cannot avoid them — that is, he
 “is a Socinian before he is aware of it, and in spite of his teeth;—this
 “is such an excess in the faculty of arguing, as must make him a
 “dangerous neighbour, and qualifies him excellently to be a Commis-
 “sioner of the Inquisition, who have often need of that kind of
 “subtilty, that will make heresies which they cannot find.”

“Certainly,” he subsequently adds, “it is a new way, and a new
 “law, imposed upon the handling of controversies, and was not in
 “practice thirty years since, that a man can no sooner apply a proposi-
 “tion (let it be new, and not known to be urged before,) towards the
 “confirmation of a principle in one religion, or towards enervating
 “a principle in another, but that proposition is called a principle, and
 “thereupon all the ill consequences are deduced from it, that may serve
 “in turn to asperse his person, wound his reputation, and to make the
 “unhappy man who hath not been sharp-sighted enough in logic to
 “discern those consequences, nor consents to any one of them, be
 “looked upon and abhorred as a Socinian, or if that be thought worse,
 “of a Turk; for the consequence, by well stroking, will be stretched
 “as well to the one as to the other; and the case of this unhappy
 “disputer is the more miserable, because, though he intends very
 “honestly, and acknowledges none of the consequences, that is only
 “by his ignorance of what passes in his own mind, which a cunninger
 “man than himself hath discovered, and assures him, and can easily
 “prove, that he doth believe that which he protests he doth not be-
 “lieve, by which no classes of men seem to be liable to so many woes,
 “as they who make false syllogisms, and they who cannot discover
 “where they are false; for both these will be perplexed with ill conse-
 “quences, according to the mercifulness of the subtle man who hath
 “the handling of the man and the matter.”*

The vindication of Lord Falkland, which is in-
 cidentally introduced, is not however the avowed
 or paramount object of the work. The object is
 the same which he has pursued at greater length
 in his “Religion and Policy,” namely, “draw a
 clear distinction between those Roman Catholic

* Animadversions, 203, 204.

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tenets on which no arguments can be grounded for the imposition of political disabilities, and those principles of allegiance to papal authority which were deemed to constitute a sufficient bar to toleration; and, by inducing Roman Catholics to disclaim the latter, to render safe (even according to the opinion of those times) the abrogation of penal laws. This is his avowed object, but it is not pursued systematically and distinctly. The reader soon loses sight of it; and finds himself engaged, through by far the greater part of the work, in examining *seriatim* all the controvertible passages which occur in Cressy's answer to Stillingfleet — passages various in their character, and assailed with various degrees of ability and success.

Survey of
the *Leviathan*.

An antagonist worthier than Cressy, the celebrated Hobbes, the philosopher of Malmesbury, caused Lord Clarendon to enter again the field of controversy. Hobbes, in his work "*De Cive*," and subsequently in his "*Leviathan*," had advanced, with great ability, opinions respecting the moral nature of man, and the basis of all government, which soon raised up against him a long array of formidable opponents. He contended that between right and wrong there is no *natural* distinction: — that by nature all men are equal, and have an equal right to all things: — that man is selfish and unsocial, and that the natural state of each is that of war against all others: — that the social union is an interested compact entered into for the sake of peace, each divesting himself of a part of his natural right with a view to secure the remainder,

and agreeing with others to transfer this right to some one person, or body of persons, who shall exercise the ruling power: — that the sovereign power must be absolute, and that “ though of so “ unlimited a power, men may fancy many evil consequences, yet the consequence of the want of “ it, which is perpetual war of every man against “ his neighbour, is much worse:”—that “ no man “ hath liberty to resist the sovereign; but in case “ a great many men together have already resisted “ the sovereign power unjustly, or committed “ some capital crime, for which every one of them “ expecteth death, they have liberty to join together, and to assist and defend one another:”—that “ the obligation of subjects to the sovereign “ is understood to last as long, and no longer, than “ the power lasteth by which he is able to protect “ them:”—that “ if the sovereign banish his subject, “ during the banishment he is not subject:”—that “ if a monarch subdued by war render himself “ subject to the victor, his subjects are delivered “ from their former obligation, and become subject “ to the victor. And,” added Hobbes in his concluding chapter, “ because I find by divers “ English books lately printed, that the civil wars “ have not yet sufficiently taught men in what “ point of time it is that a subject becomes obliged “ to the conqueror, nor what is conquest, nor how “ it comes about that it obliges men to obey his “ laws; therefore, for further satisfaction of men “ therein, I say the point of time wherein a man “ becomes subject to a conqueror is that point

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“ wherein, having liberty to submit to him, he
 “ consenteth, either by express words or by other
 “ sufficient sign, to be his subject. When it is that
 “ a man hath the liberty to submit I have observed
 “ before in the end of chapter xxi.,—namely,
 “ that for him that hath no obligation to his
 “ former sovereign but that of an ordinary subject,
 “ it is then, when the means of his life is within
 “ the guards and garrison of the enemy; for it is
 “ then that he hath no protection from him, but
 “ is protected by the adverse party for his con-
 “ tribution.”

These doctrines, while they advocated ostensibly the cause of absolutism, tended to weaken the allegiance of subjects, and to justify adherence to the victorious Cromwell. But it does not appear whether these political heresies, or certain opinions on religious subjects which Hobbes broached in the same work, were the principal causes which led Lord Clarendon to engage in controversy: for he has not applied himself especially to the refutation of any one doctrine, as if he deemed it of paramount importance, but has examined *seriatim* every chapter in the Leviathan, noting all reprehensible matter: and though he professes “ not to enlarge
 “ upon any particular that seems erroneous, except
 “ it be an error of that kind and consequence as
 “ carries with it or in it somewhat that is hurtful
 “ to the peace and policy of the kingdom, or pre-
 “ judicial to the sincerity of religion,” he has examined very minutely a vast number of questionable passages; some of which, as they can be

hurtful only through their connection with other passages, and the support which they incidentally lend to the fundamental principles laid down by Hobbes, were, perhaps, scarcely worthy of that separate investigation which Lord Clarendon has bestowed.

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The minute and methodical analysis which Lord Clarendon has adopted may be praised for its completeness; but it is a less efficient species of reply than that which, instead of seeking to beat the opponent in detail, aims at important leading principles, attacks the basis of the argument, and labours to subvert those propositions on which the ingenious superstructure mainly rests. He disentangles the subtle paradoxes of Hobbes with very successful ingenuity; but his arguments fail in force from the want of concentration; and the patience of the reader is fatigued, and his attention too much directed to the detection of minute errors, before he can arrive at the desired conclusion, that the Leviathan is an unsafe guide in political science.

Both the survey of the Leviathan and the answer to Cressy are characterised by a comparative absence of asperity peculiarly commendable in those times of controversial rancour. Clarendon appears to have been very sensible of the danger of falling into this error. "I am not without some doubt," he says, "that I shall in this discourse, which I am now engaged in, transgress in a way I do very heartily dislike, and frequently censure in others, which is sharpness of language, and too much

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“reproaching the person against whom I write, which is by no means warrantable, when it can be possibly avoided without wronging the truth in debate.” It cannot be said that he has entirely avoided the fault which he denounces, but he has at least written with a mildness and fairness which many a controversialist of recent times might have imitated with advantage.

State Pa-
pers and
Letters.

Of the political character of the Declarations and Answers which he wrote for Charles I., I have spoken already.* Their literary merits remain to be noticed. Compositions more masterly than these offsprings of secrecy and haste, perhaps never issued from his pen. They were remarkable for ability even in a time unusually productive of eminent men. As there have been few controversies which do not sink into insignificance compared with this momentous discussion between the Sovereign and the Parliament, on the eve of a civil war, so there have been few tasks comparable to those thus executed by Hyde. Without a precedent to guide him, he must adopt language meet for a sovereign placed in a position of unparalleled difficulty. He must bring to the task a tact and caution equal to protect him against the perilous use of an unguarded expression, and energy commensurate with the wrongs alleged. He must assume successfully the skill and eloquence of an accomplished disputant, yet never derogate from the tone of dignity which befitted a

* Vol. I. 181.

king. This mighty task was so achieved, that, when we consider the force of argument, the loftiness of reproof, the majestic beauty of the powerful language, the matchless combination of vigour and discretion which are displayed in these State Papers, it will be felt that had their author left no other writings, he would still have left sufficient proof that he could have occupied an exalted place in the literary history of his country.

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His familiar letters addressed to his friends, principally on subjects of public importance, are also no ordinary monuments of ability. They abound in passages of much force and beauty, without departing from that unaffected simplicity and flowing ease, which are the proper characteristics of the epistolary style. Many of his letters addressed to Nicholas, and also to Lords Digby, Hopton, Colepepper, Ormond, Mordaunt, and Dr. Earles, between 1646 and the Restoration, in the second and third volumes of the Clarendon State Papers, will very well repay attention.

Having adverted to each of Lord Clarendon's principal works, I will in conclusion offer a few remarks upon the literary qualities which his writings collectively display.

One observation is applicable to all; — that they bear few marks of care and revision. They have a diffuseness which belongs especially to the fluent pen of a hasty writer. They seem, for the most part, the uncorrected effusions of a very full and fertile mind, which, confident in its prompt resources, dispensed with the labour of previous arrangement.

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The sentences are apt to be inordinately long, consisting of clauses inartificially linked together, each suggested by its precursor, like the unpremeditated language of rapid conversation; while, in the arrangement of words, little pains appear to have been taken that leading facts and emphatic expressions may stand forth conspicuously and distinctly. These defects are least observable in those passages whereon care would most probably be expended, namely, his delineations of character. They may, therefore, be attributed partly to the want of revision; but they are also chargeable, in part, upon the general character of English prose in the former half of the seventeenth century. The gorgeous affluence of imagery and diction poured forth by many of our older writers, which obtains a warm and merited admiration, is frequently impaired rather than recommended by the structure of the language in which it is conveyed. We prize the gems and not their setting. Descending from a consideration of the eminent beauty of the thoughts conveyed, to the humbler requisites of style, we shall find an imitation of the Latin structure too much discernible in the writings of that period. The mechanism of English prose composition was then comparatively little understood; and few had attained the art of being at once clear, strong, terse, and idiomatic.

Examples of epigrammatic point are more numerous in Lord Clarendon's writings than their obvious diffuseness might lead us to expect. The

choice of words too is frequently felicitous; and generally it may be observed that the selection of the language is better than the arrangement.

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His writings are exempt from all false glitter. He is never declamatory, never affected, nor does he attempt to heighten effect by any elaborate employment of the artifices of composition. When it is considered how much he has written, he is perhaps less chargeable with mannerism and monotony than the generality of great and original writers.

The grave character of the subjects on which he wrote afforded few opportunities for the exercise of that wit which is said to have shone in his conversation. The little which appears in his works takes commonly, and with great success, the severer form of irony and sarcasm; but the indications are sufficient to show that on lighter themes he might have written with point and liveliness. His works exhibit no certain signs of the existence of the poetical faculty. The doubtful gleams which shine forth occasionally through some graphic expression, will be found, on examination, to be such as might result from an acute and cultivated mind not endowed with imaginative power. This will be made more evident by comparison, if we turn to the prose of genuine poets, such as Milton and Jeremy Taylor.

In the argumentative portions of his various writings, he was clear, popular, and discursive, rather than a close and subtle reasoner. He wielded the weapons of irony and illustration, applying

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such reasonings as could be seized and followed by a popular assembly, rather than attempting to obtain success by that closer chain of logical deduction which is less fitted for discourse, and which can seldom be appreciated except by an attentive reader. The style in which his power was chiefly shown, was practical, animated, and forensic. But though he might be acute in the detection of sophistries and paradoxes, he did not prosecute a minute analysis with a success commensurate with the powers of his intellect. In the controversial writings of his later years, his argumentative faculties were not displayed to much advantage. The arguments were not well arranged; the language was not sufficiently precise; and the meaning was sometimes weakened and confused by the parenthetical introduction of irrelevant matter.

If to be persuasive is to be eloquent, then is Lord Clarendon an eloquent writer. But he is persuasive not from the exhibition of that dazzling and impassioned style to which the term "eloquent" is usually applied, but from the skill with which his statement is framed, and the ingenuity with which all appliances are made conducive to the desired effect. His apparent aim is to instil conviction gradually and surely, rather than to produce at once a strong impression, and carry the mind of the reader by storm. Seldom, if ever, does he address himself ostensibly to mere feeling. It is true he interests the feelings; but he seems to keep them in subjection to the judg-

ment. He is never impassioned, and not often pathetic. And yet by a multitude of slight but masterly touches he produces perhaps a more settled conviction, a more lasting sympathy with the cause to which he wishes us to incline, than would have been effected by the exciting language of the most animated appeal.

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Finally, let me observe, that it is not by attention to separate qualities, or by the selection of isolated portions, that his literary merits can be adequately estimated. His writings are not among those from which we can cull short sparkling passages, and thereby convey a more favourable impression than would be derived from a perusal of the whole. In the writings of Clarendon we may admire the details; but it is by the aggregate that we are truly impressed. We must follow him long in his majestic march: we must view every part of his comprehensive designs; and we shall then understand why, in spite of many defects which a minute criticism notes with ease, he still continues to hold unshaken an eminent position among English writers.

I have already described Lord Clarendon in his political, judicial, and private capacities. The preceding view of his literary qualifications completes my attempt to exhibit his character. Of few could it be said with greater truth, that it is necessary to view him in many lights, in order to estimate him fairly. His versatility was one of the elements of his greatness. The range of his abilities was still more extraordinary than their depth

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XX. He might have been a more learned lawyer, a more able statesman, a more eloquent orator, a more accomplished writer, without being so remarkable a man. We must view combined in one individual the successful advocate, the prominent member of a legislative assembly, the learned judge, the sagacious minister, the great historian, the man so prompt and able in emergencies, as if the whirlwind of political contention had been his proper element,—so calmly diligent in literary seclusion as if the studious cloister had been his fittest abode : we must view in all its fullness this marvellous combination : we must search through history, and see if it can furnish an analogous instance ; and we shall then be better qualified to decide, how high the name of Clarendon should be placed, among those celebrated men of whom their country may be justly proud.

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